

FINAL STATEMENT OF REASONS

a) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

These regulations implement Senate Bill (SB) 1982, Chapter 773, Statutes of 2002. Health and Safety Code Section 1530.1(a) provides for the consolidation of California Code of Regulations (CCR), Title 22, Division 6, Chapters 3 and 3.5, "Adult Day Care Facilities" and "Adult Day Support Centers," respectively, into one category, "Adult Day Programs." "Adult Day Care Facilities" and "Adult Day Support Centers" are not stand-alone categories and therefore are also governed by the "General Licensing Requirements," CCR, Title 22, Division 6, Chapter 1 (Sections 80000 et seq.). SB 1982, Section 1(b) allows for the "Adult Day Programs" category to be a stand-alone category and therefore, in this regulations package, the pertinent regulations sections from the "General Licensing Requirements" regulations are adopted and amended where necessary to better fit in this new stand-alone chapter. Further, throughout these regulations the word "participant" is replaced with "client" and the word "facility" is replaced with "day program" for clarity and consistency.

Chapter 3Specific Purpose/Factual Basis:

The chapter title is amended to read "Adult Day Programs" instead of "Adult Day Care Facilities" as required by SB 1982.

Section 82000Specific Purpose/Factual Basis:

This section is amended to conform to corresponding statutory changes and delete the reference to Chapter 1.

Section 82001Specific Purpose/Factual Basis:

This section is amended to clarify that the definitions provided in this section apply to the regulations in this chapter.

Sections 82001(a)(1) through (a)(1)(F) and Handbook

Specific Purpose:

These sections are duplicated from Sections 80001(a)(1) through (a)(1)(F) and Handbook to provide a definition of the term "Activities of Daily Living." The handbook section is provided to reference the definition of "Client Who Relies Upon Others to Perform All Activities of Daily Living" as it is used in adult day programs.

Factual Basis:

These sections are necessary to provide definitions of this term as it is used in adult day programs.

Section 82001(a)(2)

Specific Purpose:

This section is duplicated from Section 80001(a)(2) to provide a definition of the term "Administrator." The word "facility" has been replaced with "day program" to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(a)(3)

Specific Purpose:

This section is duplicated from Section 80001(a)(3) to provide a definition of the term "Adult."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(a)(4)

Specific Purpose:

This section is essentially duplicated from Section 80001(a)(4) to provide a definition of the term "Adult Community Care Facility." The terms "Adult Day Care Facilities (ADCF) and Adult Day Support Centers (ADSC)" have been omitted and replaced with "Adult Day

Programs" to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(a)(5) (New)

Specific Purpose:

This section is adopted to include a definition of the term "Adult Day Program."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Section 82001(a)(6)

Specific Purpose:

This section is duplicated from Section 80001(a)(8) to provide a definition of the term "Applicant."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(a)(7) (Renumbered from Section 82501(a)(2))

Specific Purpose:

This section is renumbered from Section 82501(a)(2) to provide a definition of the term "Assessment" and to replace the word "participant" with "client."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(a)(8)

Specific Purpose:

This section is duplicated from Section 80001(a)(9) to provide a definition of the term "Authorized Representative" and is amended to omit reference to "a minor's parent," "a legal guardian," and "public placement agency."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs. The amendment to omit the reference to minors, legal guardian and public placement agency is necessary to narrow the definition to adult day programs and to ensure that the definition is relevant to all adult day programs.

Section 82001(a)(9)

Specific Purpose/Factual Basis:

This section is renumbered from Section 82001(a)(7).

Section 82001(b)(1)

Specific Purpose:

This section is duplicated from Section 80001(b)(1) to provide a definition of the term "basic rate," and is amended to omit reference to SSI/SSP recipients. The term "facility" is replaced with the term "licensee" for clarity.

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs. The amendment is necessary to ensure that the definition is relevant to all adult day programs and for clarity. Reference to SSI/SSP recipients was omitted because services provided by adult day programs are not covered by SSI/SSP funding.

Section 82001(b)(2)

Specific Purpose:

This section is duplicated from Section 80001(b)(2) to provide a definition of the term "basic services."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(c)(1)

Specific Purpose:

This section is duplicated from Section 80001(c)(1) to define the term "California Clearance."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs because the ability to be licensed or employed in a community care facility depends upon whether the individual has a criminal record clearance. A criminal record clearance as defined in Section 82001(c)(14) includes a "California clearance." In addition, clients or persons who are placing clients in community care facilities and who depend upon the Department for protection must have a clear definition of a "California clearance." It is necessary that they understand what a clearance means, including what kinds of infractions of the law are not included when a "California clearance" is issued.

Section 82001(c)(2)

Specific Purpose:

This section is duplicated from Section 80001(c)(2) to provide a definition of the term "capacity." The word "facility" is replaced with "adult day program."

Factual Basis:

The definition is necessary to ensure that the regulations are relevant to all adult day programs and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Section 82001(c)(3) et seq.

Specific Purpose:

These sections are duplicated from Sections 80001(c)(3) et seq. to provide a definition of the term "care and supervision" and in Section 82001(c)(3)(E), the term "facility" is replaced with "day program."

Factual Basis:

These sections are necessary to provide a definition of this term as it is used in adult day programs. The amendments are necessary to ensure that the definition is relevant to all adult day programs and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Section 82001(c)(4) (Renumbered from Section 82501(c)(1))

Specific Purpose:

This section is renumbered from Section 82501(c)(1) to provide a definition of the term "careprovider." The terms "participant's" and "center" are replaced with "client's" and "adult day program" respectively.

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs. The amendments are necessary to ensure that the regulation is relevant to all adult day programs and people served by the adult day programs and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. Nonsubstantive amendments were made for clarity.

Sections 82001(c)(5) et seq.

Specific Purpose:

These sections are duplicated from Sections 80001(c)(4) et seq. except (c)(3)(D) to provide a definition of the term "cash resources." Section 80001(c)(3)(D) is not duplicated as it does not apply to adult day programs.

Factual Basis:

These sections are necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(c)(6)

Specific Purpose:

This section is duplicated from Section 80001(c)(10) to provide a definition of the term "client." It is also amended to omit the reference to "children, resident, and community care facilities" because these terms are not used in adult day programs.

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs. The amendments ensure that the regulation is relevant to all adult day programs and people served by the adult day programs and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Section 82001(c)(7) and Handbook

Specific Purpose:

This section is duplicated from Section 80001(c)(11) and handbook to provide a definition of the term "client who relies upon others to perform all activities of daily living." The handbook section is provided to reference "Activities of Daily Living."

Factual Basis:

This section and handbook section are necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(c)(8)

Specific Purpose:

This section is duplicated from Section 80001(c)(12) to provide a definition of the term "close friend."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day care programs.

Section 82001(c)(9)

Specific Purpose:

This section is duplicated from Section 80001(c)(13) to provide a definition of the term "community care facility." The word "facility" in the definition is amended to read "day program."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Section 82001(c)(10)

Specific Purpose:

This section is duplicated and amended from Section 80001(c)(16) to provide a definition of the term "conservator."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs and amended to clarify the meaning of "conservator" to be consistent with state law.

Section 82001(c)(11) (Renumbered from Section 82501(c)(2))

Specific Purpose:

This section is renumbered from Section 82501(c)(2). The word "center's" is amended to read "day program's."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in the adult day programs and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Sections 82001(c)(12) et seq.

Specific Purpose:

These sections are duplicated from Sections 80001(c)(18) et seq. to provide a definition of the term "control of property." The word "facility" is amended to read "adult day program."

Factual Basis:

These sections are necessary to provide a definition of this term as it is used in adult day programs and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Section 82001(c)(13) et seq.

Specific Purpose:

These sections are duplicated from Sections 80001(c)(19) et seq. to provide a definition of the term "conviction."

Factual Basis:

These sections are necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(c)(14)

Specific Purpose:

This section is duplicated from Section 80001(c)(20) to provide a definition of the term "criminal record clearance."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(d)(1)

Specific Purpose:

This section is duplicated from Section 80001(d)(1) to provide a definition of the term "day."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(d)(2)

Specific Purpose:

This section is duplicated from Section 80001(d)(2) to provide a definition of the term "deficiency."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(d)(3)

Specific Purpose:

This section is duplicated from Section 80001(d)(5) and the handbook language is incorporated to provide a clear definition of the term "department."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(d)(4) and Handbook

Specific Purpose:

These sections are duplicated from Section 80001(d)(6) and Handbook to provide a definition of the term "developmental disability."

Factual Basis:

These sections are necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(d)(5)

Specific Purpose:

This section is duplicated from Section 80001(d)(7) to provide a definition of the term "dietitian."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(d)(6) (Renumbered from Section 82501(d)(1))

Specific Purpose:

This section is renumbered from Section 82501(d)(1). The word "participants" is amended to read "clients."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in the adult day programs. The amendment is necessary to ensure that the regulations are relevant to all persons participating in adult day programs.

Section 82001(d)(7)

Specific Purpose:

This section is duplicated from Section 80001(d)(8) and the handbook language is incorporated to provide a clear definition of the term "director."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(e)(1)

Specific Purpose:

This section is duplicated from Section 80001(e)(3) to provide a definition of the term "emergency approval to operate," the word "facility" is amended to read "day program," and "on whether" is amended to read "either" for clarity and consistency.

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs. The amendment ensures that these regulations are relevant to all adult day programs and persons served by the adult day programs and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Section 82001(e)(2)

Specific Purpose:

This section is duplicated from Section 80001(e)(4) to provide a definition of the term "evaluator." It is amended to clarify the language as it applies to adult day programs.

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(e)(3)

Specific Purpose:

This section is duplicated from Section 80001(e)(5) to provide a definition of the term "evidence of licensee's death."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(e)(4)

Specific Purpose:

This section is duplicated from Section 80001(e)(6) to provide a definition of the term "exception," the word "facilities" is amended to read "day programs."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs. The amendment ensures that these regulations are relevant to all adult day programs and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Section 82001(e)(5) and Handbook

Specific Purpose:

These sections are duplicated from Section 80001(e)(7) and Handbook to provide a definition of the term "exemption." The Handbook has been amended to correctly summarize the statute.

Factual Basis:

These sections are necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(e)(6)

Specific Purpose:

This section is duplicated from Section 80001(e)(8) to provide a definition of the term "existing facility." This section is amended to omit language no longer applicable as licenses do not have expiration dates.

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(f)(1)

Specific Purpose:

This section is duplicated from Section 80001(f)(1) to define the term "Federal Bureau of Investigation (FBI) clearance."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs. A criminal record clearance as defined in Section 82001(c)(14) includes a "Federal Bureau of Investigation (FBI) clearance." In addition, clients or persons who are placing clients in community care facilities and who depend upon the Department for protection must have a clear definition of a "Federal Bureau of Investigation (FBI) clearance." It is necessary that they understand what a clearance means, including what kinds of infractions of the law are not included when a "Federal Bureau of Investigation (FBI) clearance" is issued.

Section 82001(f)(2)

Specific Purpose:

This section is renumbered from Section 82501(f)(1) to provide a definition of the term "formal supports."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(f)(3)

Specific Purpose:

This section is renumbered from Section 82501(f)(2) to provide a definition of the term "functionally impaired adult" and amended to clarify the language.

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Sections 82001(f)(3)(A) and (B)

Specific Purpose:

These sections are renumbered from Sections 82501(f)(2)(A) and (B) and amended to repeal the individual references to the "activities of daily living" and the "instrumental activities of daily living."

Factual Basis:

These sections are necessary to provide a definition of these terms as they are used in adult day programs. The examples of "activities of daily living" and "instrumental activities of

daily living" are omitted to eliminate redundancy. "Activities of daily living" are listed individually in Sections 82001(a)(1)(A) through (F) and "instrumental activities of daily living" are listed individually in Sections 82001(i)(2)(A) through (E).

Section 82001(h)(1)

Specific Purpose:

This section is duplicated from Section 80001(h)(1) to provide a definition of the term "health condition relocation order." The term "CCF" is amended to read "adult day program." A cross-reference is updated.

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs. The amendment to omit reference to CCFs is necessary to narrow this definition as it applies to adult day programs only.

Section 82001(h)(2)

Specific Purpose:

This section is duplicated from Section 80001(h)(2) to provide a definition of the term "home economist."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(h)(3) (New)

Specific Purpose:

This section is adopted to define the term "hours of operation" as it applies to adult day programs.

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Section 82001(i)(1)

Specific Purpose:

This section is duplicated from Section 80001(i)(2) to provide a definition of the term "inhalation-assistive device."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Final Modification:

The definition is amended to remove reference to aerosol delivery devices as equipment that assists clients to breathe. The statement "this does not include metered-dose aerosols and dry-powder inhalers" is added to the definition. These amendments are necessary to clarify that these types of hand-held aerosol delivery devices are not considered inhalation-assistive devices that would fall under the category of restricted health conditions in Section 82092.

Sections 82001(i)(2) through (i)(2)(E) (New)

Specific Purpose:

These sections are adopted to define the term "instrumental activities of daily living" and to list specific examples of those activities.

Factual Basis:

These sections are necessary to provide a definition of this term as it is used in adult day programs. The examples ensure that these regulations are relevant to all adult day programs and people served by the adult day programs.

Section 82001(i)(3)

Specific Purpose:

This section is duplicated from Section 80001(i)(3) to provide a definition of the term "interdisciplinary team."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Sections 82001(l)(1) through (4)

Specific Purpose:

These sections are duplicated from Sections 80001(l)(1) through (4) to provide definitions of the terms "license," "licensed professional," "licensee," and "licensing agency." Section 82001(l)(4) is amended to omit language that is not applicable to adult day programs.

Factual Basis:

These sections are necessary to provide definitions of these terms as they are used in adult day programs.

Section 82001(m)(1)

Specific Purpose:

This section is duplicated from 80001(m)(1) to provide a definition of the term "medical professional."

Factual Basis:

This section is necessary to provide the definition of this term as it is used in adult day programs. Section 82019(b) states that a medical professional, under certain conditions is exempt from submitting fingerprints for the purpose of a criminal record review. This definition is necessary so that it is clear that for the purposes of these regulations, a medical professional only applies to specific titles licensed in California.

Section 82001(m)(2)

Specific Purpose:

This section is duplicated from Section 80001(m)(2) to provide a definition of the term "mental disorder."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(n)(1) (Renumbered from Section 82501(n)(1))

Specific Purpose:

This section is renumbered from Section 82501(n)(1) and amended to provide a definition of the term "needs and services plan."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs. The cross reference amendment is made for clarity and consistency.

Sections 82001(n)(2) et seq.

Specific Purpose:

These sections are duplicated from Section 80001(n)(2) et seq. to provide the definition of the term "nonambulatory person."

Factual Basis:

These sections are necessary to provide the definition of this term as it is used in adult day programs.

Section 82001(n)(3)

Specific Purpose:

This section is duplicated from Section 80001(n)(3) to provide a definition of the term "nutritionist."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(p)(1) (Renumbered from Section 82501(p)(1))

Specific Purpose:

This section is renumbered from Section 82501(p)(1) to provide a definition of the term "participant." The section is amended for clarity as this definition is to be used in the adult day programs chapter.

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs. The amendments are necessary for clarity and to ensure that the definition is relevant to all adult day programs.

Section 82001(p)(2)

Specific Purpose:

This section is duplicated from Section 80001(p)(1) to provide a definition of the term "physician."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(p)(3) and Handbook

Specific Purpose:

These sections are duplicated from Section 80001(p)(2) and Handbook to provide a definition of the term "placement agency." Handbook Section 82001(p)(3)(A) is amended to correctly summarize the statute.

Factual Basis:

These sections are necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(p)(4)

Specific Purpose:

This section is duplicated from Section 80001(p)(3) to provide a definition of the term "PRN medication."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(p)(5)

Specific Purpose:

This section is duplicated from Section 80001(p)(4) to provide a definition of the terms "provision" or "provide."

Factual Basis:

These sections are necessary to provide a definition of these terms as they are used in adult day programs.

Section 82001(p)(6)

Specific Purpose:

This section is duplicated from Section 80001(p)(5) to provide a definition of the term "provisional license."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(r)(1)

Specific Purpose:

This section is duplicated from Section 80001(r)(1) to provide the definition of the term "rehabilitation."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs because the Department provides individuals without a criminal record clearance, who meet specific criteria, an opportunity to request an exemption so that they may be licensed, employed in, or present in a community care facility. One of the factors the Department considers when granting an exemption is whether or not the individual can demonstrate rehabilitation. Therefore, it is important to provide a definition for those who may be affected.

Section 82001(r)(2)

Specific Purpose:

This section is duplicated from Section 80001(r)(2) to provide a definition of the term "relative" with the addition of the terms "domestic partner" and "domestic partnership" as defined in Family Code Section 297.

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs and to include domestic partners as required by recent statutory changes to the Family Code.

Section 82001(r)(3)

Specific Purpose:

This section is duplicated from Section 80001(r)(3) to provide a definition of the term "responsible person."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(s)(1) and Handbook

Specific Purpose:

Section 82001(s)(1) is duplicated from Section 80001(s)(1) to provide a definition of the term "serious deficiency." Handbook Section 82001(s)(1)(A) is adopted to provide a cross reference for examples of violations which can result in serious deficiencies.

Factual Basis:

These sections are necessary to provide a definition of this term as it is used in adult day programs.

Post-hearing Modification:

Section 82001(s)(2) (New)

Specific Purpose:

The specific purpose of this section is to adopt in regulation a definition for "Sexual Orientation."

Factual Basis:

This adoption is necessary because the term is used in Section 82017, Nondiscrimination of Applicants. It is necessary to clearly define this term and its use to ensure the rights of any gay, lesbian, or bisexual adult applicant to apply for license and not be discriminated against, or harassed because of their sexual orientation. This definition is duplicated from Title 22, Section 89201(s)(2), and consistent with state statute and case law. It is not the intent of the regulation to limit the expansion of the definition by statute or case law (Unruh Civil Rights Act, Civil Code Section 51 and California Fair Employment and Housing Act, Government Code Section 12921). Current proposed Sections 82001(s)(2) through (s)(6) are being renumbered to Sections 82001(s)(3) through (s)(7) respectively.

Section 82001(s)(2) and Handbook **(Renumbered to 82001(s)(3) and Handbook after public hearing)**

Specific Purpose:

Section 82001(s)(2) is duplicated from Section 80001(s)(2) to provide the definition of the term "simplified exemption." The Handbook is adopted to clarify the meaning of the term "simplified exemption."

Factual Basis:

These sections are necessary to define this term and clarify that a simplified exemption is an option available to and used by the Department, provided the individual meets specific criteria as specified in Health and Safety Code Section 1522(c)(4).

Section 82001(s)(3) **(Renumbered to 82001(s)(4) after public hearing)**

Specific Purpose:

This section is duplicated from Section 80001(s)(5) to provide a definition of the term "social worker."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(s)(4) **(Renumbered to 82001(s)(5) after public hearing)**

Specific Purpose:

This section is duplicated from Section 80001(s)(6) to provide a definition of the term "SSI/SSP."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(s)(5) **(Renumbered to 82001(s)(6) after public hearing)**

Specific Purpose:

This section is duplicated from Section 80001(s)(7) to provide a definition of the term "substantial compliance."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Section 82001(s)(6) (Renumbered to 82001(s)(7) after public hearing)

Specific Purpose:

This section is duplicated from Section 80001(s)(8) to provide a definition of the term "substantiated complaint."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs.

Sections 82001(u)(1) et seq.

Specific Purpose:

These sections are duplicated and amended from Sections 80001(u)(1) et seq. to provide a definition of the term "universal precautions" and to provide basic infection guidelines.

Factual Basis:

These sections are necessary to provide the definition of this term as it is used in adult day programs and to provide basic infection guidelines.

Section 82001(u)(2) et seq.

Specific Purpose:

This section is duplicated and amended from Section 80001(u)(2) et seq. to provide a definition of the term "Unlicensed Community Care Facility."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Sections 82001(u)(3) et seq.

Specific Purpose:

These sections are duplicated from Sections 80001(u)(2) et seq. (should be numbered 80001(u)(3) et seq. [corrected in this package]) to provide a definition of the term "urgent need." The word "facility" is amended to read "day program."

Factual Basis:

These sections are necessary to provide a definition of this term as it is used in adult day programs and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Section 82001(w)(1)

Specific Purpose:

This section is duplicated from Section 80001(w)(1) to provide a definition of the term "waiver." The word "facility" is amended to read "program."

Factual Basis:

This section is necessary to provide a definition of this term as it is used in adult day programs and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. The amendment is necessary to ensure that the definition is relevant to all adult day programs.

Section 82003 et seq.

Specific Purpose/Factual Basis:

This section is adopted to incorporate by reference certain forms that are used in the Adult Day Programs regulations. These forms are not printed in the California Code of Regulations or CDSS' Manual of Policies and Procedures because it would be cumbersome and impractical. However, these forms are readily available from CDSS.

Final Modification:

Section 82003(a)(1) was modified to update the revision date of form LIC 195 which was modified nonsubstantively. Also form LIC 602 is added to this section as a form used in Adult Day Programs and renumbering is made for consistency.

Section 82005 et seq.

Specific Purpose:

This section is duplicated from Section 80005 et seq. The word "facility" is amended to read "day program." The section is further amended to clarify the section number referred to, by adding the title of the section.

Factual Basis:

This section is necessary to clarify guidelines as to when a license is required for an adult day program. This section previously applied to adult day care facilities and adult day support centers and does not present any new or additional requirements. Additionally, the section is necessary to accommodate the consolidation of the adult day care facility/adult day support center and general licensing requirements regulations and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Sections 82006 et seq.

Specific Purpose:

These sections are essentially duplicated from Sections 80006 et seq. Throughout this section, the word "facility" is amended to read "day program" or "program operator." The words "of the Health and Safety Code" have been amended to read "Health and Safety Code" for consistency. Section 82006(b)(1) is amended to delete inapplicable language. Section 82006(d) is amended to add the title of the section referred to. Section 82006(e)(1) is amended for consistency with similar statements. Non-substantive changes to Sections 82006(c) and (f)(2) are made for clarity.

Factual Basis:

These sections are necessary to place regulations regarding unlicensed facilities into the category-specific adult day programs regulations and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. These sections previously applied to the adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82007 et. seq.

Specific Purpose:

These sections are duplicated from the applicable Sections 80007 et seq. Throughout this section the term "community care facility" is amended to read "adult day program," "facility" to read "day program," and "of the Health and Safety Code" to "Health and Safety Code" for consistency. Also the word "guardian" is omitted because it is not applicable to adults. Other nonsubstantive, clarifying changes are made to make the regulations fit better in this category-specific adult day programs regulations.

Factual Basis:

These sections are necessary to place regulations regarding exemption from licensure into the category-specific adult day programs regulations and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. These sections previously applied to the adult

day care facilities and adult day support centers and do not add any new or additional requirements.

Section 82009 et seq.

Specific Purpose:

In these sections the word "facility" is amended to read "day programs."

Factual Basis:

This amendment is necessary to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Section 82010

Specific Purpose:

The section title is amended to delete reference to ambulatory status to more accurately reflect the content of the section. This section is duplicated from Section 80010(a) and the words "facility" and "facilities" are amended to read "day program," or "building" depending on the context of the regulation.

Factual Basis:

This section is necessary to place regulations regarding limitations on capacity into the category-specific adult day programs regulations and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. This section previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements. Ambulatory status is not applied to Adult Day Program pursuant to State Fire Marshal regulations.

Sections 82012 et seq.

Specific Purpose:

These sections are duplicated from Sections 80012 et seq. The word "facility" is amended to read "day program."

Factual Basis:

These sections are necessary to place regulations regarding the prohibition of any false or misleading statements or references made by the licensee, officer or employee of a licensee into the category-specific adult day programs regulations. The amendments are made to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. These sections

previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Section 82017

Specific Purpose:

The section title is amended to read "Nondiscrimination of Applicants" to reflect the content of the regulation section. This section is duplicated from Section 80017, except the word "sex" is amended to read "gender."

Factual Basis:

This section is necessary to place regulations describing applicant qualifications into the category-specific adult day programs regulations. This section previously applied to the adult day care facilities and the adult day support centers and does not add any new or additional requirements. The word "sex" is replaced with "gender" for clarity.

Final Modification:

This section is amended to add the words "sex or" before the word "gender" for clarity. This amendment is necessary to include both terms "sex or gender" because they are interchangeable.

Sections 82018 through 82018(d)(3)

Specific Purpose:

These sections are essentially duplicated from Sections 80018 through 80018(d)(3) and amended to add the term "limited liability company" in Section 82018(a). In Sections 82018 et seq. the words "facility type" and "facility" are amended to read "adult day program" and "day program." Section 82018(a) is amended to clarify that an application for licensure must be completed on the LIC 200. In Section 82018(b)(2) the phrase "specific type of facility" is omitted, the phrase "for a facility in the same category" is amended to read "to operate an adult day program" and "the same facility type" is amended to read "an adult day program." The term "applicant/licensee" in Section 82018(c) is replaced with "applicant." Section 82018(d)(2)(C) is amended to correct a grammatical error.

Factual Basis:

These sections are necessary to place regulations regarding the licensing application process into the category-specific adult day programs regulations. The amendment to add "limited liability company" to Section 82018(a) is necessary because of the growing number of limited liability companies applying for community care licenses. The amendments are necessary to ensure that the sections are relevant to all adult day programs and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. Other amendments are made for

clarity. These sections previously applied to the adult day care facilities and the adult day care support centers and do not add any new or additional requirements.

Sections 82018(d)(4) through (f)

Specific Purpose:

These sections are essentially duplicated from Sections 80018(d)(5) through (14) and (d)(16) through (f). In Section 82018(d)(6), the word "sex" is replaced with "gender" and the phrase "physically handicapped and/or ambulatory status" is replaced with "or physical handicaps." The term "limited liability company" is added to Section 82018(e)(2) and cross-references in Sections 82018(d)(12), (13), (14) and (15) are amended. Section 82018(d)(8) is amended to repeal the words "if applicable." Sections 82018(d)(10) and (10)(A) (Handbook) are amended for clarity. Sections 82018(d)(12), (13), and (16) are amended to add the titles of the sections referred to. Sections 82018(d)(17) and (A) Handbook are omitted for clarity. Section 82018(f) is amended for clarity.

Factual Basis:

These sections are necessary to place regulations regarding the licensing application process into the category-specific adult day programs regulations. The amendment to add the term "limited liability company" to Section 82018(e)(2) is necessary due to the increasing amount of limited liability companies applying for community care licenses. The amendments to Sections 82018(d)(5), (7), (11) and (f) are necessary to ensure that the sections are relevant to all adult day programs and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. The amendments to Section 82018(e)(6) are necessary for clarity and for grammatical consistency. The amendments in Sections 82018(d)(12), (13), and (16) are also for clarity. Cross-references are amended for accuracy. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Final Modification:

Section 82018(d)(6) is amended to add the words "sex or" before the word "gender" for clarity. This amendment is necessary to include both terms "sex or gender" because they are interchangeable.

Proposed Section 82018(d)(14) is repealed to delete reference to a bonding affidavit as specified in Section 82025(a). Section 82025 is nonexistent. Bonding is not required for Adult Day Programs because these facilities provide care and supervision for less than 24 hours and would not handle funds for clients exceeding \$50 per client. Current proposed Sections 82018(d)(15) and (d)(16) are being renumbered to Sections (d)(14) and (d)(15) respectively for clarity and consistency.

Sections 82019(a) et seq.

Specific Purpose:

These sections are essentially duplicated from Sections 80019(a) through Handbook. Section 82019(a) was amended to replace the term "facility" with "day program" or "program." The reference to Health and Safety Code Section 1522(b) is corrected to Sections 1522(a) and (b)(1).

Factual Basis:

These sections are necessary to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting 1502.2, effective January 1, 2003. The statutory reference was corrected for accuracy and clarity. These sections, and all other subsections of 82019, previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82019(b), (b)(1) and (b)(2) et seq.

Specific Purpose:

These sections are essentially duplicated from Sections 80019(b) through (b)(2). Section 82019(b) added "who are not licensees or employees of the licensee." Section 82019(b)(1) replaced "by the Department in regulations" with "in Section 82001(m)" and deletes the word "employed." Section 80019(b)(1)(D) was not duplicated.

Factual Basis:

These sections are necessary to place regulations regarding criminal record clearance into the category-specific adult day program regulations and to conform to corresponding statutory changes. Amendments are made for clarity and to omit duplicative language.

Sections 82019(b)(3) and (b)(4)

Specific Purpose:

These sections are essentially duplicated from Sections 80019(b)(3) and (b)(4). The phrase "of the facility" was omitted for clarification. The word "facility" was replaced by "day program" to conform to statutory changes. The word "resident" is replaced with the word "client" for clarification. Sections 80019(b)(3)(A) and (b)(4)(A) were not duplicated.

Factual Basis:

These sections are necessary to place regulations regarding criminal record clearance into the category-specific adult day program regulations and to conform to corresponding statutory changes. Amendments were made for clarity and to delete duplicative language.

Sections 82019(b)(5) et seq.

Specific Purpose:

These sections are essentially duplicated from Section 82019(b)(5) through (b)(5)(C). The word "facility" was replaced with "day program." In Section 82019(b)(5)(C), the word "once" was amended to read "four times" and the phrase "not to exceed two hours each time" was added.

Factual Basis:

These sections are necessary to place regulations regarding criminal record clearance into the category-specific adult day program regulations and to conform to corresponding statutory changes. Amendments are made for clarity. Specific time periods are amended to apply only to adult day programs.

Sections 82019(b)(6) et seq.

Specific Purpose:

These sections are essentially duplicated from Sections 80019(b)(7) through (b)(7)(B) and from (b)(7)(D)3. The words "in adult day care and adult support centers" and the word "facility" were replaced with "day program." The phrases "providing direct care and supervision" and "A client's relative or close friend who is visiting the client" were added. The language in 80019(b)(7)(C) was omitted.

Factual Basis:

These sections are necessary to place regulations regarding criminal record clearance into the category-specific adult day program regulations and to conform to corresponding statutory changes. Amendments are made for clarity and to delete duplicative language and language not applicable to adult day programs. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Section 82019(c)

Specific Purpose:

This section is essentially duplicated from Section 80019(c). The word "licensee" was amended to "license" to correct a typographical error. The phrase "and any adult other than a client resident in the facility" was omitted. The reference to Health and Safety Code 1522(a)(5) was corrected to 1522(a)(1).

Factual Basis:

These sections are necessary to place regulations regarding criminal record clearance into the category-specific adult day program regulations and to conform to corresponding statutory changes. Amendments are made for clarity and to delete language not applicable to adult day programs.

Sections 82019(d) et seq.

Specific Purpose:

These sections are essentially duplicated from Sections 80019(d) through (d)(2)(A). The phrase "community care facility" was replaced by "day program." The word residence was omitted. The phrase "with the following information" was added to allow subsections (d)(1) to be omitted and subsequent subsections were renumbered.

Factual Basis:

These sections are necessary to place regulations regarding criminal record clearance into the category-specific adult day program regulations and to conform to corresponding statutory changes. Amendments are made for clarity and to delete duplicative language.

Sections 82019(e) et seq.

Specific Purpose:

These sections are essentially duplicated from Sections 80019(e) through (e)(3). replacing the phrase "prior to working..." at the end of the sentence to the beginning. The word "facility" was replaced with "day program." In Section 80019(2)(2), the phrase "the licensee or applicant for a license to" was added following "Request."

Factual Basis:

These sections are necessary to place regulations regarding criminal record clearance into the category-specific adult day program regulations and to conform to corresponding statutory changes. Amendments are made for clarity.

Sections 82019(f) et seq.

Specific Purpose:

These sections are duplicated from 80019(f) et seq.

Factual Basis:

These sections are necessary to place regulations regarding criminal record clearance into the category-specific adult day program regulations.

Section 82019(g)

Specific Purpose:

This section is essentially duplicated from Section 80019(g) The word "shall" is amended to read "will." The phrase "of one Hundred dollars per violation by the Department" was amended to "as specified in Health and Safety Code Section 1522(c)(2)." Handbook is added to provide the pertinent part of that code section.

Factual Basis:

This section is necessary to place regulations regarding criminal record clearance into the category-specific adult day program regulations. Amendments are made for clarity and the statutory reference is added for accuracy.

Sections 82019(h) and (j)

Specific Purpose:

These sections were duplicated from Sections 80019(h) and (j).

Factual Basis:

These sections are necessary to place regulations regarding criminal record clearance into the category-specific adult day program regulations.

Sections 82019(i) et seq.

Specific Purpose:

These sections are essentially duplicated from Section 80019(i) The reference to Health and Safety Code 1522(b) was corrected to Sections 1522(a) and (b). The phrase "including spouses of the applicant, licensee, or employee" was added in Section (i)(4).

Factual Basis:

This section is necessary to place regulations regarding criminal record clearance into the category-specific adult day program regulations. The statutory reference is corrected for accuracy. The additional language is necessary for clarity.

Section 82019(k)

Specific Purpose:

This section is essentially duplicated from Section 80019(k) The title to the references section is added.

Factual Basis:

This section is necessary to place regulations regarding criminal record clearance into the category-specific adult day program regulations. The amendment is made for clarity.

Sections 82019(l) et seq.

Specific Purpose:

These sections are derived from Section 80019(l) and amended to conform to recent amendments in Section 80066(c) and proposed Section 82066(c).

Factual Basis:

These sections are necessary to clarify the licensing agency's authority to inspect records and remove them if necessary for copying, consistent with provisions regarding other personnel records in proposed Section 82066(c).

Section 82019(m)

Specific Purpose:

The specific purpose of this section is to allow the Department to seek verification on information received from sources other than the DOJ about an individual's criminal history.

Factual Basis:

Without the authority to verify the information about the individual's criminal history received from any member of the public or the affected individual, obtaining the information from the individual would be useless.

Section 82019(m)(1)

Specific Purpose:

The specific purpose of this section is to allow the Department to act on information received from sources other than the DOJ about an individual's criminal history.

Factual Basis:

Once the Department has verified the arrest, conviction, or parole or probation violation information and has obtained admissible evidence of the event the Department must be able to use this information in the same manner it uses criminal record information received from the DOJ. The Department must be able to act immediately to protect the health and

welfare of clients in care. Without the authority to use the admissible evidence of the event, obtaining the information would be useless.

Sections 82019.1(a) et seq.

Specific Purpose:

These sections are essentially duplicated from Sections 80019.1(a) through (a)(5). The language in 82019.1(a) was reworded moving the last phrase of the first sentence, "while the Department considers granting or denying an exemption," to the beginning of the sentence and replacing the phrase "any person" described in Sections 80019.1(a)(1) through (5) below" with "any of the following persons." The word "facility" was amended to read "day program." In Sections 820019.1(a)(1) through (a)(4), the term "Any person" is replaced with "a person."

Factual Basis:

These sections are necessary to place regulations regarding criminal record exemptions into the category-specific adult day programs regulations and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. Amendments are necessary for clarity. These requirements previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82019.1(b) et seq.

Specific Purpose:

These sections are essentially duplicated from Sections 80019.1(b) through (b)(1). The term "facility" was replaced with "day program."

Factual Basis:

These sections are necessary to place regulations regarding criminal record exemptions into the category-specific adult day programs regulations and to conform to corresponding statutory changes. These requirements previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82019.1(c) et seq.

Specific Purpose:

These sections are essentially duplicated from Sections 80019.1(c) through (c)(4). The word "however" was added in Section 82019.1(c)(3). The term "facility" was replaced with "day program" in Section 82019.1(c)(4).

Factual Basis:

These sections are necessary to place regulations regarding criminal record exemptions into the category-specific adult day programs regulations and to conform to corresponding statutory changes. Amendments are necessary for clarity. These requirements previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82019.1(d) et seq.

Specific Purpose:

These sections are essentially duplicated from Sections 80019.1(d) through (d)(3); Section (d)(4) was not duplicated.

Factual Basis:

These sections are necessary to place regulations regarding criminal record exemptions into the category-specific adult day programs regulations. The language in Section 80019.1(d)(4) is omitted because it is duplicative of 820019.1(c)(3). These requirements previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82019.1(e) et seq.

Specific Purpose:

These sections are duplicated from Sections 80019.1(e) through (e)(9), except for (e)(8)(A)1. that refers to family homes not licensed as adult day programs.

Factual Basis:

These sections are necessary to place regulations regarding criminal record exemptions into the category-specific adult day programs regulations. The language in Section 80019.1(e)(8)(A)1. is omitted because it does not pertain to adult day programs. These requirements previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82019.1(f) through(m)(1)

Specific Purpose:

These sections are duplicated from Sections 80019.1(f) through (m). Handbook Section 82019.1(m)(1) added the word "essentially" for accuracy in summarizing Health and Safety Code Section 1522(g)(1).

Factual Basis:

These sections are necessary to place regulations regarding criminal record exemptions into the category-specific adult day programs regulations. These requirements previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements

Sections 82019.1(n) et seq.

Specific Purpose:

These sections are essentially duplicated from Sections 80019.1(n) through (n)(4). In Section 82019.1(n), the phrase "outlined in Sections 80019.1(n)(1) through (n)(4) below" was omitted and the word "following" was added to precede "criminal history profile."

Factual Basis:

These sections are necessary to place regulations regarding criminal record exemptions into the category-specific adult day programs regulations. Amendments are made for clarity. These requirements previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82019.1(o) through(p)(4)

Specific Purpose:

These sections are duplicated from Sections 80019.1(o) through (p)(4).

Factual Basis:

These sections are necessary to place regulations regarding criminal record exemptions into the category-specific adult day programs regulations. These requirements previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements

Sections 82019.1(q) et seq.

Specific Purpose:

These sections are essentially duplicated from Sections 80019.1(q) through (q)(4). In Section 82019.1(q)(2) the phrase "/or certified home" was omitted. In Section (q)(3), "above" was deleted and "Section 80019.1 et seq." was replaced with "Sections 82019.1(e) through (l)." In Section (q)(4), the term "facility" was replaced with "day program" and "Section 82019.1" was replaced with "Sections 82019.1(c)(4), (d)(1), and (e)."

Factual Basis:

These sections are necessary to place regulations regarding criminal record exemptions into the category-specific adult day programs regulations. Amendments were made for accuracy and clarity. These requirements previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements

Sections 82019.1(r) et seq.

Specific Purpose:

These sections are essentially duplicated from Sections 80019.1(r) through (r)(3). In Section 82019.1(r)(3) the phrases "/or certified home" and "or for Foster Family Homes, Small Family Homes and Certified Family Homes an LIC 508D (Rev. 1/03)" were omitted.

Factual Basis:

These sections are necessary to place regulations regarding criminal record exemptions into the category-specific adult day programs regulations. Amendments were made for clarity, to apply only to adult day programs. These requirements previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82020

Specific Purpose:

This section is duplicated from Sections 80020(a) and (a)(1). The term "facilities" was amended to read "day programs." Sections 80020(b) through (b)(2) were omitted.

Factual Basis:

These sections are necessary to place regulations regarding the requirements for fire clearances into the category-specific adult day programs regulations and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. These requirements previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements, whereas the requirements in Section 80020(b) through (b)(2) do not apply to non-residential fire clearances.

Sections 82021 et seq.

Specific Purpose:

These sections are duplicated from Sections 80021 et seq. The section title was amended to delete the word "Clearance." In Section 82021(a) the term "community care facilities" was replaced with "adult day programs." Other amendments were made to correct clerical errors in Handbook.

Factual Basis:

These sections are necessary to place regulations regarding water supply into the category-specific adult day programs regulations. The title change is necessary to more accurately reflect the content of the regulation since no "clearance" is obtained. The amendment to Section 82021(a) is necessary to ensure that the section is relevant to adult day programs. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82022, (a), (b), (b)(3), (4) and (5), and (f) (Renumbered from Sections 82522, (a), (b), (b)(1), (2), and (3), and (c) respectively)

Specific Purpose:

Section 82022 is renumbered from Section 82522. Current language in renumbered Section 82022(a) is repealed and language similar to Section 80022(a) is adopted. Renumbered Section 82022(b) is amended to better mirror the language in Section 80022(b). Sections 82522(b)(1), (2), and (3) are renumbered to Sections 82022(b)(3), (4), and (5) and the word "participant" is changed to "client" for consistency. Section 82522(c) is renumbered to Section 82022(f) and amended to repeal the introductory sentence since that requirement is already included in renumbered Section 82022(a).

Factual Basis:

These amendments are done to ensure that the sections are relevant to the category-specific adult day programs. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82022(b)(1), (2), (6) through (16)(A), (c) through (e), and (g) and (h)

Specific Purpose:

These sections are essentially duplicated from Sections 80022(b)(1) through (11), (b)(13) through (14), and (d) through (h). Throughout the term "facility" has been replaced with "program" or "day program" and the term "participant" with the term "client" for consistency. Section 82022(b)(8) is amended to omit the words "if applicable" and Section 82022(b)(9) is amended to repeal the words "governing the specific facility category," since this will be a category-specific chapter. The phrase "In day programs providing meals to clients" was added in Section 82022(b)(12). In Section 82022(b)(14), the term "rate setting" was amended to read "fee" because adult day programs charge fees and do not use the term "rate setting." The cross-references in Section 82022(b)(15) and 82022(g) were amended to include the section titles referred to for clarity.

Factual Basis:

These sections are necessary to place regulations describing what material the facility plan of operation shall contain into the category-specific adult day programs regulations and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. Amendments are for clarity. These requirements previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Section 82023 et seq.

Specific Purpose:

These sections are duplicated from Section 80023 et seq.. In Section 82023(d) and (d)(2), the word "facility" is amended to read "day program."

Factual Basis:

These sections are necessary to place regulations regarding the facility disaster and mass casualty plan into the category-specific adult day programs regulations and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. These requirements previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Section 82024 et seq.

Specific Purpose:

These sections are essentially duplicated from Section 80024 et seq. In Section 82024(b)(1), the word "facility" is amended to read "program." Handbook Section 80024(b)(3) was omitted as it is not applicable language. Section 82024(c)(2) was amended to replace "describing" with "needing." Section 82024(c)(2)(A) was amended to replace "to comply within the time specified in (2) above" with "to submit the requested information within the time specified." Section 82024(d) was amended to replace "receipt of an acceptable request" with "acceptance of a completed request."

Factual Basis:

These sections are necessary to place regulations regarding the requirements for waivers and exceptions into the category-specific adult day programs regulations and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. Amendments are for clarity. These requirements previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82027 et seq.

Specific Purpose:

These sections are essentially duplicated and renumbered from Sections 80027 et seq. Throughout this section cross-references are amended where necessary, "facilities" and "facility/center" are replaced with "adult day program" or "day program." Section 82027(f) was amended to refer to the current name of fees. Some of the sections were renumbered, and grammatical changes were made, including in Section 82027(g)(3) and (4). Section 82027(g) renumbered from Handbook Section 80027(d) is being adopted as regulation to clarify that this section is not optional but required.

Factual Basis:

These sections are necessary to place regulations regarding initial application review into the category-specific adult day programs regulations and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. Amendments are for clarification. These sections previously applied to the adult day care facilities and adult day support centers and do not add any new or additional requirements.

Final Modification:

Sections 82027(a)(2)(A) and (B) are combined and amended; Section 82027(e) is renumbered to 82027(b)(1) and therefore Handbook Section 82027(b)(1) is renumbered to 82027(b)(2); Section 82027(d) is amended to replace "This review" to "The application review;" and Section 82027(g) is renumbered to Section 82027(e) and nonsubstantly amended. These changes are made for clarity and ease of use.

Sections 82028 et seq.

Specific Purpose:

These sections are duplicated from Sections 80028 et seq. Sections 80028(b)(3) and (4), (c) and (c)(1) are not duplicated because they are not applicable to "adult day programs." The word "facility" is amended to read "day program," grammatical and nonsubstantive clarifying changes are made.

Factual Basis:

These sections are necessary to place regulations regarding capacity determination into the category-specific adult day programs regulations and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82029 et seq.

Specific Purpose:

These sections are essentially duplicated from Sections 80029 et seq. Section 82029(a) was amended to combine Sections 80029(a) and (a)(1). Section 82029(a)(1) was amended from "The fee for processing the application shall be forfeited." to read "The fee shall be nonrefundable as specified in Section 82036(d)."

Factual Basis:

These sections are necessary to place regulations regarding the withdrawal of an application into the category-specific adult day programs regulations and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. Amendments are for clarity. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82030 et seq.

Specific Purpose:

These sections are essentially duplicated from Sections 80030(a) through (f). Section 82030(a) was amended to add the title to the section numbers referred to and the phrase "on a completed application for an initial license," was omitted. Cross-references are amended where necessary. The word "facility" was replaced with "day program." In Section 82030(e), the word "case" was replaced with "matter."

Factual Basis:

These sections are necessary to place regulations regarding provisional licenses into the category-specific adult day programs regulations and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. The editorial amendments are made to ensure that the information applies to adult day programs. The cross-references are amended for accuracy. Other amendments are made for clarity and consistency. These sections previously applied to the adult day care facilities and adult day care centers and do not add any new or additional requirements.

Sections 82031 et seq.

Specific Purpose:

These sections are essentially duplicated from Sections 80031(a) through (b). Section 82031(a) was amended to refer to "the licensing agency's acceptance of the application and documents specified in Section 82027(a)(1)" instead of "the date that a completed application, as defined in Section 80001c.8, has been approved." Section 82031(a)(2)(A)

was amended to add the title to the section number referred to. Cross-references were amended where necessary. Sections 80031(b)(1) through (d) were not duplicated because they are duplicative or do not apply to adult day programs.

Factual Basis:

These sections are necessary to place regulations regarding issuance terms of a license into the category-specific adult day programs regulations. The cross-references are amended for accuracy. Other amendments are made for clarity and consistency. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Section 82034 et seq.

Specific Purpose:

These sections are essentially duplicated from Sections 80034(a) through (a)(2)(C) and (a)(4) through (b). Cross-references were amended where necessary and the word "facility" was amended to read "day program." Grammatical changes were made in Section 82034(b). Section 80034(a)(3) was not duplicated because it does not apply to adult day programs.

Factual Basis:

These sections are necessary to place regulations regarding the submission of a new application into the category-specific adult day programs regulations and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. The cross-references are amended for accuracy. Other amendments are made for clarity and consistency. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Section 82035 et seq.

Specific Purpose:

These sections are essentially duplicated from Sections 80035(a) through (d)(1). Section 82035(a) was restructured to read "A license shall be forfeited by operation of law pursuant to Section 1524..." in place of "Conditions for forfeiture... may be found in Section 1524..." The words "facility" and "community care facility" have been amended to read "day program" or "adult day program." Section 82035(e) was amended to read "Within 60 days after granting an Emergency Approval to Operate..." in place of "The Department shall make a decision within 60 days after the application is submitted..." Section 82035(e)(1) was amended to add the title to the section number referred to, and delete the reference to "(b) above."

Factual Basis:

These sections are necessary to place regulations regarding the conditions of forfeiture of a facility license. The amendments are necessary to ensure that the information is relevant to all adult day programs and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.. Amendments are made for clarity and consistency. This information previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82036 et seq.

Specific Purpose:

These sections are essentially duplicated from Sections 80036(a) through (d) The title is amended to reflect current statutory language for fees. The sections duplicated are only those that apply to adult day programs. Sections 82036(b) through (d) were amended where necessary to conform to current fee statutes.

Factual Basis:

These sections are necessary to conform to Health and Safety Code Sections 1523.1(a)(1) and (b) which require the department to charge certain licensing fees. These fees previously applied to adult day programs and do not add any additional requirements.

Article 4 (Title)

Specific Purpose/Factual Basis:

This Article title is amended to read "Administrative Actions and Inspection Authority" to better reflect the regulations sections contained within the article.

Sections 82040 et seq.

Specific Purpose:

These sections are essentially duplicated from Sections 80040 et seq. and 80055.1(b)-(c). The sections duplicated are only those that apply to adult day programs and are amended where necessary for clarity. The word "facility" is amended to read "day program."

Factual Basis:

These sections are necessary to place regulations regarding the denial of an initial license into the category-specific adult day programs regulations and to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. These sections previously applied to adult day care facilities and adult day care centers and do not add any new or additional requirements.

Section 82042 et seq.

Specific Purpose:

These sections are duplicated from Sections 80042 et seq. The sections duplicated are only those that apply to adult day programs and are amended where necessary for clarity. Unnecessary handbook sections are not duplicated.

Factual Basis:

These sections are necessary to place regulations regarding revocation or suspension of a license into the category-specific adult day programs regulations. These sections previously applied to adult day care facilities and adult day care centers and do not add any new or additional requirements.

Section 82044 et seq.

Specific Purpose:

These sections are duplicated from Sections 80044 et seq. and combined with Section 80045 et seq. The sections duplicated are only those that apply to adult day programs and are amended where necessary for clarity. Unnecessary handbook sections are not duplicated. The word "facility" is changed to "program or day program" to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Factual Basis:

These sections are necessary to place regulations regarding the licensing agency's inspection authority and evaluation visits into the category-specific adult day program regulations. The amendments are necessary to ensure that the sections are relevant to all adult day programs. These sections previously applied to adult day care facilities and adult day support centers and do not add any additional requirements.

Section 82046 et seq.

Specific Purpose:

This section is essentially duplicated from Section 80046 et seq. The sections duplicated are only those that apply to adult day programs and are amended where necessary for clarity. The word "facility" is changed to "adult day program" to conform to corresponding statutory changes. Unnecessary handbook sections are not duplicated.

Factual Basis:

This section is necessary to place into the category-specific adult day programs regulations the exclusion of individuals with certain violations from board membership of licensed facilities. This section previously applied to adult day care facilities and adult day support centers and does not add any new or additional requirements.

Article 5 (Title)

Specific Purpose/Factual Basis:

The article title is amended to read: "Enforcement Provisions" instead of "Civil Penalties" to better reflect the regulations contained within.

Sections 82051 et seq.

Specific Purpose:

These sections are duplicated from Handbook Sections 80051et seq.. Modifications are made to cross-references where appropriate, and to titles of sections referenced.

Factual Basis:

These sections which list examples of regulations that, if not complied with, nearly always result in serious deficiencies is necessary to be placed into the category-specific adult day programs chapter. This section previously applied to adult day care facilities and adult day support centers and does not add any new or additional requirements.

Section 82052 et seq.

Specific Purpose:

These sections are essentially duplicated from Section 80052 et seq. and subsection (e) is duplicated from Section 80043(a) Handbook and incorporates in regulations the right of a licensee/applicant to complain to the Department or licensing agency regarding the application or enforcement of these regulations. The word "facility" is replaced with "day program" to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. Cross-references are amended where necessary. Nonsubstantive amendments are made to some of the sections for clarity.

Factual Basis:

These sections are necessary to place regulations regarding deficiencies in compliance into the category-specific adult day programs regulations. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional

requirements. The amendments were made to ensure that the sections are relevant to all adult day programs.

Sections 82053 et seq.

Specific Purpose:

These sections are duplicated from Sections 80053 et seq. Cross references are amended for clarity.

Factual Basis:

These sections are necessary to place regulations regarding follow-up visits to determine compliance into the category-specific adult day programs regulations. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Section 82054 et seq.

Specific Purpose:

These sections are essentially duplicated from Sections 80054 et seq. Section 82054(a) is reformatted for clarity. Cross-references are amended where appropriate. "Facility" is replaced with "day program." to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. Sections 82054(d), (e), (g) and (i) are amended for clarity.

Factual Basis:

These sections are necessary to place regulations regarding penalties into the category-specific adult day programs regulations. The amendments are made to ensure that the sections are relevant to all adult day programs and the people they serve. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82055 et seq.

Specific Purpose:

These sections are duplicated from Sections 80055 et seq. Sections 82055(a) and (b) are amended for clarity.

Factual Basis:

These sections are necessary to place regulations regarding administrative review into the category-specific adult day programs regulations. These sections previously applied to

adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82055.1 et seq.

Specific Purpose:

These sections are duplicated from Sections 80055.1(a) and (a)(1). The title is amended to read "Responsibility for Civil Penalties" to better reflect the regulations contained within this section.

Factual Basis:

These sections are necessary to place regulations regarding denial or revocation of license for failure to pay civil penalties into the category-specific adult day programs regulations. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Section 82056

Specific Purpose:

This section is duplicated from Section 80056.

Factual Basis:

This section is necessary to place regulations regarding exemption from civil penalties into the category-specific adult day programs regulations. This section previously applied to adult day care facilities and adult day support centers and does not add any new or additional requirements.

Sections 82058 et seq.

Specific Purpose:

These sections are duplicated from Sections 80058 et seq. "Facility" is replaced with "day program" to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. Section 82058(f) is added to clarify that payment of civil penalties or submission of application does not permit continued unlicensed operation. Cross references are amended where necessary. Nonsubstantive amendments are made for clarity.

Factual Basis:

These sections are necessary to place regulations regarding unlicensed facility penalties into the category-specific adult day programs regulations. The amendments are necessary to ensure that these sections are relevant to all adult day programs. These sections previously

applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82059 et seq.

Specific Purpose:

These sections are duplicated from Sections 80059 et seq. and amended to replace the words "facility" with "day program" to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. In Section 82059(a), the words "or his/her representative" are repealed for clarity.

Factual Basis:

These sections are necessary to place regulations regarding unlicensed day program administrative appeal rights into the category-specific adult day programs regulations. The amendments are made to ensure that the sections are relevant to all adult day programs. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Section 82061 (Title)

Specific Purpose/Factual Basis:

This section title is amended from "Reports" to "Reporting Requirements" for consistency with other facility types.

Section 82061(a)

Specific Purpose:

This section is essentially duplicated from Section 80061(a). Nonsubstantive amendments in subsections (a) and (b) are made for clarity.

Factual Basis:

This section is necessary to place regulations informing licensees of the need to furnish specified reports to the department. This section previously applied to adult day care facilities and adult day support centers and does not add any new or additional requirements.

Section 82061(b)

Specific Purpose:

This section is amended to change "facility/center" to "day program" to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003 and to require that a written report be submitted to the licensing agency within seven days of the occurrence of the event.

Factual Basis:

These amendments are necessary for clarity and consistency with other facility types and to ensure that the section applies to all adult day programs.

Sections 82061(b)(1) through (c)(4)

Specific Purpose:

These sections are amended and/or essentially duplicated from Sections 80061(b)(1) through (c)(4). In Section 82061(b)(1), the phrase ", but not be limited to" is adopted for clarity. In Section 82061(b)(2)(A), the word "sex" is replaced with "gender" for clarity. In Section 82061(c)(3)(B), the cross reference is amended for accuracy.

Factual Basis:

These sections are necessary to place regulations regarding reportable incidents into the category-specific adult day programs regulations. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Final Modification:

Section 82061(b)(2)(A) is amended to add the words "sex or" before the word "gender" for clarity. This amendment is necessary to include both terms "sex or gender" because they are interchangeable.

Sections 82061(d) through (e)(2)

Specific Purpose:

These sections are amended and/or duplicated from Sections 80061(e) through (f)(1). Sections 82061(d) and (e) are amended for clarity. Handbook Section 82061(e)(1) is amended to reflect the current language of Title 17, California Code of Regulations, Section 2500.

Factual Basis:

These sections are necessary to place regulations regarding reporting requirements into the category-specific adult day programs regulations. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Section 82061(f)

Specific Purpose:

This section is essentially duplicated from Sections 80061(g). Section 82061(f) is amended for clarity and the cross-reference is amended for accuracy.

Factual Basis:

This section is necessary to place regulations regarding reporting requirements into the category-specific adult day programs regulations. This section previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Section 82062 et seq.

Specific Purpose:

These sections are duplicated from Sections 80062(a)(1) - (3)(B). The purpose of Sections 82062(a)(3)(C) - (C)2.is to adopt language concerning the licensing agency's authority to remove information if necessary for copying, and to stipulate that removal of records is subject to the requirements in the succeeding sections. Amendments are made for clarity where necessary.

Factual Basis:

These sections are necessary to place regulations regarding the licensee's finances into the category-specific adult day programs regulations. These sections previously applied to adult day care facilities and adult day support centers. Sections 82062(a)(3)(C) - (C)2. are added to conform to language recently amended in Sections 80066(c) and 80070(d).

Section 82063 et seq.

Specific Purpose:

These sections are duplicated from Sections 80063 et seq. and amended to replace the word "facility" with "day program" to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Factual Basis:

These sections are necessary to place regulations regarding the licensee's accountability into the category-specific adult day programs regulations. The amendment is necessary to ensure that the sections are relevant to all adult day programs. These sections previously applied to adult day care facilities and adult day support centers and they do not add any new or additional requirements.

Section 82064 et seq.

Specific Purpose:

These sections are amended to include all the necessary qualifications and duties of an administrator of an adult day program. Sections are renumbered from other sections, duplicated from Sections 80064 et seq., and repealed where necessary. Handbook Section 82564(b)(16)(A) and (B) are incorporated into these regulations. These sections are amended where necessary and cross references are updated for clarity and consistency within this chapter and to conform to statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Factual Basis:

These sections are necessary to place regulations regarding administrator qualifications and duties into the category-specific adult day programs regulations. The amendments are necessary to ensure that the requirements are relevant to all adult day programs. These sections previously applied to adult day care facilities and adult day support centers and they do not add any new or additional requirements.

Final Modification:

Section 82064(a) is amended as a result of public comment to clarify that an individual may qualify as an administrator of an adult day program by meeting educational or work experience requirements. Renumbered Sections 82064(h)(1) and (2) et seq. are renumbered to 82064(a)(1) and (a)(2) et seq. respectively; renumbered Section 82064(i) is renumbered to 82064(b) and therefore the following sections are renumbered accordingly. Further, renumbered Section 82064(c) is amended to include an introductory phrase and subsection (c)(1) is amended to change the minimum age requirement from 18 to 21 to be consistent with Health and Safety Code Section 1562.4(a) which is applicable to Adult Residential Facilities which care for the same type of clients as Adult Day Programs. Renumbered Section 82064(i) is amended as needed to reflect the amendments made following the public hearing. These amendments are made for clarity and ease of use.

Sections 82065 et seq.

Specific Purpose:

These sections are amended to include all the necessary personnel requirements for an adult day program. Sections are renumbered from other sections, duplicated from Sections 80065 et seq., and repealed where necessary. These sections are amended where necessary and cross references are updated for clarity and consistency within this chapter and to conform to statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Factual Basis:

These sections are necessary to place regulations regarding personnel requirements into the category-specific adult day programs regulations. The amendments are necessary to ensure that the requirements are relevant to all adult day programs. These sections previously applied to adult day care facilities and adult day support centers and they do not add any new or additional requirements.

Section 82065.1 et seq.

Specific Purpose:

Section 82065.1(a) is adopted to introduce requirements that apply to all adult day program staff. Sections 82065.1(a)(1) and (a)(2) are renumbered from Sections 82065.1(b) and (b)(1) and amended for clarity. Sections 82065.1(b) through (b)(4) are renumbered from Sections 82065.1(a) through (a)(4) and amended for clarity. Section 82065.1(b)(5) is adopted to include "administrative support" as part of the support staff duties. Section 82065.1(c) is renumbered from 82565.1(c)(3)(A) and amendments are made for clarity. Section 82065.1(d) is renumbered from Section 82565.1(a), and Section (d)(1) is adopted to require direct care staff to receive a minimum of 8 hours of training a year.

Factual Basis:

These sections are necessary to describe the personnel qualifications and duties in the category-specific adult day programs regulations. Amendments are editorial only and impose no additional or new requirements on adult day programs.

Sections 82065.5 et seq.

Specific Purpose:

Section 82065.5(a) is repealed for clarity and consistency. Section 82065.5(a) et seq. is renumbered from Section 82065.5(b) et seq. Section 82065.5(b) et seq. is renumbered from Sections 82565.5(a) and (c) and amended to delete unnecessary language, change the word "participant" to "client," and update the cross reference.

Factual Basis:

These sections are necessary to describe the staff ratio requirements in adult day programs regulations. These requirements previously applied to adult day support and/or adult day care facilities and impose no additional or new requirements on adult day programs. Amendments are editorial.

Sections 82066 et seq.

Specific Purpose:

These sections are duplicated from Sections 80066 et seq. Amendments are made where necessary and cross references are updated for clarity and to conform to statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Factual Basis:

These sections are necessary to include the personnel records requirements in the category-specific adult day programs regulations. These requirements previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements. The amendments are necessary for clarity and consistency.

Sections 82068 et seq.

Specific Purpose:

These sections are duplicated from Section 80068 et seq. Section 80068(b) is not duplicated because it pertains to residential care facilities and not adult day programs. Amendments are made where necessary for clarity and consistency.

Factual Basis:

These sections are necessary to include the requirements of admission agreements in the category-specific adult day programs regulations. These requirements previously applied to adult day care facilities and adult day support centers. The amendments are editorial to ensure clarity and continuity.

Sections 82068.2 et seq.

Specific Purpose:

These sections are amended to include all the necessary components of a needs and services plan for an adult day program. Sections are renumbered from other sections, duplicated from Sections 80068.2 et seq., and repealed where necessary. These sections are amended where necessary and cross references are updated for clarity and consistency within this chapter and to conform to statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Factual Basis:

These sections are necessary to place regulations regarding the needs and services plan into the category-specific adult day programs regulations. The amendments are necessary to ensure that the requirements are relevant to all adult day programs. These sections

previously applied to adult day care facilities and adult day support centers and they do not add any new or additional requirements.

Sections 82068.3 et seq.

Specific Purpose:

Section 82068.3(a) is amended for clarity. Section 82068.3(a)(1) is renumbered from Section 82568.3(b) and amended for clarity. Section 82068.3(a)(2) is adopted for clarity. Section 82068.3(b) is duplicated from Section 80068.3(b) and amended for clarity.

Factual Basis:

These sections are necessary to describe the adult day program requirements for modifications to the Needs and Services Plan in the category-specific adult day programs regulations. The amendments made are for clarity. These sections previously applied to adult day care facilities and adult day support centers and they do not add any new or additional requirements.

Sections 82068.5 et seq.

Specific Purpose:

These sections are renumbered from Section 82568.5. Amendments are made where necessary for clarity and to conform to statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Factual Basis:

These sections are necessary to include the procedures for discharge from an adult day program in the category-specific adult day program regulations. This section previously applied to adult day support centers, and imposes no additional or new requirements on adult day programs.

Sections 82069 et seq.

Specific Purpose:

These sections are duplicated from Sections 80069 et seq. Sections 80069(b) et seq. and (d) et seq. are not duplicated because they do not apply to adult day programs. Amendments are made for clarity and cross-references are updated.

Factual Basis:

These sections are necessary to include the requirements of a client medical assessment in the category-specific adult day programs regulations. These sections previously applied to adult day care facilities and adult day support centers and impose no additional or new

requirements on adult day programs. The amendments are made for clarity and consistency.

Sections 82070 et seq.

Specific Purpose:

These sections are renumbered from Sections 82570 et seq. and duplicated from Sections 80070 et seq. Amendments are made where necessary and cross references are updated for clarity and to conform to statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Factual Basis:

These sections are necessary to place regulations regarding client's records into the category-specific adult day programs regulations. These sections previously applied to adult day support centers and do not add any new requirements. The amendments are editorial.

Final Modification:

Section 82070(b)(3) is amended to add the words "sex or" before the word "gender" for clarity. This amendment is necessary to include both terms "sex or gender" because they are interchangeable.

Section 82071 et seq.

Specific Purpose:

These sections are duplicated Sections 80071 et seq. Amendments are made and cross reference are updated where necessary for clarity and to conform to statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Factual Basis:

These sections are necessary to place regulations regarding the register of clients into the category-specific adult day programs regulations. These sections previously applied to adult day care facilities and adult day support centers, and do not add any new requirements. The amendments are made for clarity and consistency.

Section 82072 et seq.

Specific Purpose:

These sections are essentially duplicated from Sections 80072 et seq. Amendments are made and cross references are updated where necessary for clarity and to conform to

statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. Amendments are also made to conform to those in regulation package ORD #1104-07 (Adult Residential Facilities Waiver and Exception). The public hearing for this package was May 18, 2005 [Z-05-0322-01], and it is expected it will be completed before the Adult Day Program regulations are completed.

Factual Basis:

These sections are necessary to place regulations regarding personal rights into the category-specific adult day programs regulations. These sections previously applied to adult day care facilities and adult day support centers and do not add any new requirements. The amendments are made for clarity and consistency.

Section 82073

Specific Purpose:

This section is duplicated from Section 80073. The word "facilities" is amended to "day program" to conform to statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Factual Basis:

This section is necessary to place regulations regarding telephone service into the category-specific adult day programs regulations. This section previously applied to adult day care facilities and adult day support centers and does not add any new requirements.

Section 82074 et seq.

Specific Purpose:

These sections are duplicated from Section 80074 et seq.

Factual Basis:

These sections are necessary to place regulations regarding transportation into the category-specific adult day programs regulations. These sections previously applied to adult day care facilities and adult day support centers and do not add any new requirements.

Sections 82075 et seq.

Specific Purpose:

Sections 82075(a)-(h) and (j)-(m) are essentially duplicated from Section 80075 et seq. Section 82075(b) is renumbered to (i) and Section 82575(b) is renumbered to 82075(n). Amendments are made and cross references updated where necessary for clarity and

consistency and to conform to statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Factual Basis:

These sections are necessary to place regulations regarding health-related services into the category specific adult day programs regulations. These sections previously applied to adult day care facilities and adult day support centers and do not add any new requirements.

Final Modification:

Section 82070(b)(5)(A) is amended to delete the cross reference to the requirements of Section 82075(b)(7) which, as a result of testimony, is being deleted as it imposes unnecessary duplicative requirements for obtaining documentation from a physician for every prescription and nonprescription PRN for which the licensee provides assistance. Further, Sections 82075(b)(6)(A) and (B) are amended as a result of public testimony to identify whom the licensee may contact other than the client's physician in order to receive directions before assisting the client with self administration of medication. Nurse practitioners and physician's assistants can prescribe medications within the scope of their practice; therefore, it is acceptable for facility staff to contact the nurse practitioner or physician's assistant who works with the client's physician.

Section 82075.1

Specific Purpose:

This section is amended to add the word "daily" after the word "ensure," and "in the day program" after the word "accepted." These amendments are made to conform to statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Factual Basis:

These amendments are necessary for clarity and continuity. The amendments do not add any new or additional requirements.

Sections 82075.2 et seq.

Specific Purpose/Factual Basis:

These sections are amended to replace the term "facility" with "day program" or "program site" to conform to statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003.

Final Modification:

Section 82075.2(a)(1) is amended to correct a grammatical error; Section 82075.2(a)(3)(A) is deleted because current law at Health and Safety Code Sections 1797.196 and 1714.21 provide that any person or entity may acquire an AED without a physician's prescription; Section 82075.2(a)(3)(E) is deleted and a new Section 82075.2(a)(4) is adopted to conform to current law in Health and Safety Code Section 1797.196 that requires AED operators to receive training in CPR and AED use. The training must comply with regulations adopted by the Emergency Medical Service Authority and the standards of the American Heart Association or the American Red Cross. Quarterly proficiency demonstrations are not part of the approved standards for CPR and AED training. The same standards acceptable for proficiency in CPR are acceptable for AED certification. Renumbering within the section was necessary as a result of the deletions and additions for clarity and consistency.

Section 82076 et seq.

Specific Purpose:

These sections are essentially duplicated from Section 80076 et seq. Section 82076(a)(1) is amended for clarity and to add the USDA reference in Handbook Section 82076(a)(1)(A). Sections 80076(a)(2) and (a)(2)(A) do not apply to adult day programs. Current Sections 82076(b) through (e)(1) are renumbered to Sections 82076(c) through (f)(1) respectively. Amendments are made to replace the term "facilities or facility" for "day programs or day program" to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. Cross references are updated.

Factual Basis:

These sections are necessary to place regulations regarding food service into the category specific adult day programs regulations. These sections previously applied to adult day care facilities and adult day support centers and do not add any new requirements.

Section 82077 et seq.

Specific Purpose:

Sections 82077(a) and (b) are numbered from Sections 82577(c) and (d). The term "participants" is amended to read "clients" and the term "center" is amended to read "adult day program" to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. Sections 82577(a), (b) et seq., (e) and (f) are repealed because they are duplicative.

Factual Basis:

These sections are necessary to place regulations describing personal services required by adult day support centers into the category-specific adult day programs regulations. The

amendments are editorial only and place no additional or new requirements on adult day programs.

Sections 82077.2 et seq.

Specific Purpose:

These sections are duplicated from Sections 80077.2 et seq. Section 80072(b)(2)(H) is not duplicated because it does not apply to adult day programs. Amendments are made to replace the term "facility" for "program" to conform to statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. Other clarifying nonsubstantive amendments are made as well as cross references are updated.

Factual Basis:

These sections are necessary to place regulations describing care of clients who rely upon others to perform all activities of daily living into the category-specific adult day programs regulations. The amendments are editorial only and place no additional or new requirements on adult day programs.

Sections 82077.4 et seq.

Specific Purpose:

These sections are duplicated from Section 80077.4 et seq. Sections 82588(d)(1), (e), and (f) are renumbered to Sections 82077.4(b)(11), (12), and (13) respectively. Amendments are made to replace the term "facility" for "day program or program" to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. Other nonsubstantive amendments are made for clarity.

Factual Basis:

These sections are necessary to place regulations regarding care for clients with incontinence into the category-specific adult day programs regulations. These sections previously applied to adult day care facilities and adult day support centers, and impose no additional or new requirements on adult day programs. The amendments are only editorial.

Section 82077.5 et seq.

Specific Purpose:

These sections are duplicated from Sections 80077.5 et seq. Section 80075.5(c) is not duplicated because it does not apply to adult day programs. Amendments are made to replace the term "facility" for "program" to conform to corresponding statutory changes amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. Other nonsubstantive amendments are made for clarity.

Factual Basis:

These sections are necessary to place regulations regarding care for clients with contractures into the category-specific adult day programs regulations. These sections previously applied to adult day care facilities and adult day support centers and impose no additional or new requirements on adult day programs. The amendments are only editorial.

Section 82078 et seq.

Specific Purpose:

Section 82078(a) is repealed and Section 82078(a)(1) is renumbered to (a).

Factual Basis:

This section is necessary to describe the responsibility for providing care and supervision in adult day programs.

Sections 82079 et seq.

Specific Purpose:

Sections 82088(e) et seq., 82579(a), (a)(1), (a)(2), and (b) are renumbered to Sections 82079(b) et seq., (e), (e)(1), (e)(2), and (e)(3) respectively. Throughout the section amendments are made for clarity and cross references are updated. Section 82079(e)(4) is adopted to clarify that the licensee is to have a schedule of activities for a client available upon request.

Factual Basis:

These sections are necessary to place regulations regarding planned activities into the category-specific adult day programs regulations. These sections previously applied to adult day care facilities and/or adult day support centers. The amendments are only editorial and impose no new or additional requirements on adult day programs.

Sections 82086 et seq.

Specific Purpose:

These sections are duplicated from Section 80086 et seq. Handbook Section 80086(c) is incorporated in proposed Section 82086(c) with the term "facilities" changed to "program sites."

Factual Basis:

These sections are necessary to place regulations regarding alterations to building or new facilities into the category-specific adult day programs regulations. These sections

previously applied to adult day care facilities and adult day support centers and impose no additional or new requirements on adult day programs.

Sections 82087 et seq.

Specific Purpose:

Sections 82087(a) through (g) are duplicated and amended for clarity from Sections 80087(a) through (h), with Section 82087(f)(1) amended and other cross references updated. The term "facility or facilities" is amended to read "program site" or "program" to conform to statutory change amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2 effective January 1, 2003. Current Sections 82087(b) and (c) and Section 82587(e) are renumbered to Sections 82087(h), (i), and (j) respectively, with nonsubstantive amendments in Sections 82087(h) and (j).

Factual Basis:

These sections are necessary to place regulations regarding buildings and grounds into the category-specific adult day programs regulations. Amendments were made for clarity and consistency. These sections previously applied to adult day care facilities and adult day support centers, and do not impose any additional or new requirements.

Sections 82087.2 et seq.

Specific Purpose:

Current Sections 82587.2 et seq. are renumbered to Sections 82087.2 et seq. In Section 82087(a)(3), the term "participants" is amended to read "clients" for consistency. Current Sections 82087.2 et seq. are deleted as duplicative.

Factual Basis:

These sections are necessary to place regulations regarding outdoor activity space into the category-specific adult day programs regulations. Renumbering of Section 82587.2 and repeal of current Sections 82087.2 et seq. is necessary because not all adult day programs must provide outdoor activity space. These sections previously applied to adult day support centers and do not impose any additional or new requirements.

Section 82087.3 et seq.

Specific Purpose:

Current Section 82087.3 et seq. is repealed and current Section 82587.3 et seq. is renumbered to 82087.3 et seq. The term "participants" is amended to read "clients" for consistency. Handbook Section 82587.3(b)(1) is incorporated in regulation Section 82087.3(b)(1), replacing the word "areas" with "place."

Factual Basis:

These sections previously applied to adult day programs and provide the requirements of indoor activity space. Amendments are made for clarity and consistency. No additional or new requirements result from these amendments.

Section 82087.4(d) - (e)

Specific Purpose/Factual Basis:

The term "facility" is amended to read "program" to conform to corresponding statutory change amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2 effective January 1, 2003. In Section 82087.4(d), the words "this chapter and Chapter 1" are replaced with specific section numbers and titles for clarity. In Section 82087.2(e), Handbook section (e) is incorporated for clarity.

Sections 82087.5 et seq.

Specific Purpose:

Sections 82087.5 et seq. are adapted from Sections 87724(i), and specified for adult day programs pursuant to Health and Safety Code Section 1531.2.

Factual Basis:

These sections are necessary to provide requirements for adult day program licensees who opt to use delayed egress devices on exterior doors or perimeter fence gates to provide care for persons with dementia.

Sections 82088 et seq.

Specific Purpose:

Sections 82088(a) through (g) are duplicated from Sections 80088(a) through (g) except 80088(a)(2). Current Sections 82088(b) through (d) are renumbered to Sections 82088(h) through (i) respectively. The term "facility" or "facilities" is replaced with "day program" or "day programs" to conform to statutory change amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2 effective January 1, 2003. Also, in renumbered Section 82088(h)(1), the effective date of the chapter is spelled out.

Factual Basis:

These sections are necessary to describe the requirements for fixtures, furniture, equipment, and supplies in the category-specific adult day programs regulations. Section 80088(a)(2) is not duplicated because thermostats may be controlled by building management and it would be cumbersome to permit each client in a non-residential setting to adjust temperature controls. Editorial and nonsubstantive amendments are made for clarity and

consistency. These requirements previously applied to adult day care facilities and adult day support centers and add no additional or new requirements to the regulations.

Section 82088.2 et seq.

Specific Purpose:

Current Section 82088.2(a) is repealed and current Sections 82588.2(a) - (a)(3) are renumbered to Sections 82088.2 et seq. The word "participants" is replaced with "clients" in Section 82088.2(a)(1). Handbook Sections 82588.2(a)(2) et seq. are incorporated in Sections 82088.2(a)(2) et seq. In Section 82088.2(a)(3), the term "potable as defined in California Administrative Code, Title 24, Part 5" is replaced with "safe for human consumption" and Handbook Section 82588.2(a)(3)(A) is omitted.

Factual Basis:

These requirements previously applied to adult day support centers and add no additional or new requirements to the adult day program regulations. Amendments are editorial and made for clarity and consistency.

Article 8

Specific Purpose/Factual Basis:

This article is adopted to include within the sections that follow.

Post-hearing Modification:

Section 82090 et seq.

Specific Purpose:

Sections 82090(a) through (b)(6) are duplicated from Sections 80090(b) through (c)(5). Technical amendments were made in Section 82090(b), to add the title "Restricted Health Conditions" for referenced Section 82092 and to Section 82090(b)(3), to reference pertinent sections within the category-specific adult day program regulations. Further, duplicated Section 82090(b)(4) was divided into two subsections for clarity.

Factual Basis:

These sections are necessary to place regulations regarding health and safety services into the category-specific adult day program regulations. Amendments were made for clarity. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82091 et seq.

Specific Purpose:

Sections 82091(a) - (a)(5) are duplicated from Sections 80091 et seq. Amendments were made in Section 82091(a) to delete reference to "adult CCFs" as adult day programs are a category of adult community care facility. Section 82091(b) is adopted to prevent the granting of waivers and exceptions for health conditions that are not allowed in an adult day program.

Factual Basis:

Sections 82091(a) - (a)(5) are necessary to place regulations regarding prohibited health conditions into the category-specific adult day programs regulations. Amendments were made for clarity. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements. Section 82091(b) is necessary to ensure that waivers and exceptions are not granted to allow day programs to accept or retain clients who have specific health conditions that are listed as prohibited health conditions in Section 82091(a), or that would require the day program to be licensed as a health facility.

Final Modification:

Section 82091(b) is amended to correct a grammatical error.

Section 82092 et seq.

Specific Purpose:

These sections, except for Handbook, are duplicated from Section 80092 et seq.

Factual Basis:

These sections are necessary to place regulations regarding restricted health conditions into the category-specific adult day programs regulations. Handbook is not duplicated as it is unnecessary. The amendments are necessary to ensure that the section is relevant to all adult day programs. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements. Amendments are only editorial.

Final Modification:

Section 82092(a) is amended for clarity. Section 82092(c) is adopted because Section 1502(a) of the Health and Safety Code defines a Community Care Facility as providing non-medical residential and day care. However, Section 1507 of the Health and Safety Code allows incidental medical services to be provided in community care facilities if certain conditions are met. The Department has received numerous inquiries from

field staff regarding the acceptance or retention of clients with conditions that are not listed as restricted or prohibited according to current regulations or statutes. This section is necessary to clarify that acceptance or retention of a client who has a medical or health condition other than the restricted health conditions listed in Section 82092, is allowed only if the specific requirements in Section 82090(b), Health and Safety Services, are met.

Sections 82092.1 et seq.

Specific Purpose:

These sections are essentially duplicated from Sections 80092.1(a) - (l) and (n) - (r)(1). Sections 82092.1(a)(1) through (a)(15) are renumbered and reformatted for grammatical consistency. The word "facility" is deleted or amended to read "program" to conform to statutory change amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2 effective January 1, 2003. Cross references are updated.

Factual Basis:

These sections are necessary to place regulations regarding general requirements for restricted health conditions into the category-specific adult day programs regulations. The amendments are necessary to ensure that the section is relevant to all adult day programs. Sections 80092.1(m) - (m)(1) and (r)(2) are not duplicated because they do not apply to adult day programs. Amendments are only editorial and made for clarity and consistency. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82092.2 et seq.

Specific Purpose:

These sections are duplicated from Sections 80092.2 et seq. Amendments are made to replace the term "facility" with "program" to conform to statutory change amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. References to "an ARF or SRF" are deleted and cross references are updated.

Factual Basis:

These sections are necessary to place regulations regarding restricted health conditions care plan into the category-specific adult day programs regulations. The amendments are necessary to ensure that the section is relevant to all adult day programs. Editorial amendments were made for clarity and consistency. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Section 82092.3 et seq.

Specific Purpose:

These sections are duplicated from Section 80092.3 et seq. Amendments are made for clarity and consistency, including the replacing the term "facility" for "program or day program" to conform to statutory change amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. References to an "adult CCF" are deleted and cross references are updated.

Factual Basis:

These sections are necessary to place regulations for inhalation-assistive devices into the category-specific adult day programs regulations. The amendments are necessary to ensure that the section is relevant to all adult day programs. Editorial amendments were made for clarity. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Final Modification:

Section 82092.3(a) is amended for clarity to add a reference to the section of the regulations that defines inhalation-assistive devices.

Sections 82092.4 et seq.

Specific Purpose:

These sections are duplicated from Sections 80092.4 et seq. The term "facility" is replaced with "program" to conform to statutory change amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. References to an "adult CCF" are deleted and cross references are updated. The word "client" is added before "privacy" in Section 82092.4(a)(7).

Factual Basis:

These sections are necessary to place regulations regarding colostomy/ileostomy into the category-specific adult day programs regulations. The amendments are necessary to ensure that the section is relevant to all adult day programs. Editorial amendments were made for clarity and consistency. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82092.5 et seq.

Specific Purpose:

These sections are duplicated from Sections 80092.5 et seq. The word "client" is added before "privacy" in Section 82092.5(a)(5). A cross reference is updated.

Factual Basis:

These sections are necessary to place regulations regarding fecal impaction removal procedures into the category-specific adult day programs regulations. The amendments are necessary to ensure that the section is relevant to all adult day programs. Editorial amendments were made for clarity and consistency. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82092.6 et seq.

Specific Purpose:

These sections are duplicated from Sections 80092.6 et seq. References to an "adult CCF" are deleted and cross references are updated.

Factual Basis:

These sections are necessary to place regulations regarding indwelling urinary catheter procedures into the category-specific adult day programs regulations. The amendments are necessary to ensure that the section is relevant to all adult day programs. Editorial amendments were made for clarity and consistency. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82092.7 et seq.

Specific Purpose:

These sections are duplicated from Sections 80092.7 et seq. The term "facility" with "program" to conform to statutory change amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. References to an "adult CCF" are deleted and cross references are updated.

Factual Basis:

These sections are necessary to place regulations regarding staph or other serious communicable infections procedures into the category-specific adult day programs regulations. The amendments are necessary to ensure that the section is relevant to all adult day programs. Editorial amendments were made for clarity and consistency. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82092.8 et seq.

Specific Purpose:

The title and sections are essentially duplicated from Sections 80092.8 et seq. Reference in the title and Section 82098.8(a) to "Insulin Dependent" is deleted to more clearly encompass the conditions for other types of diabetes. In Section 82098.8(a)(2), the term "if applicable" was added to "glucose testing." Handbook Section 80092.8(a)(5)(A)4. is not duplicated as it is a non-existent reference. The term "facility" is replaced with "program" to conform to statutory change amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. References to an "adult CCF" are deleted and cross references are updated.

Factual Basis:

These sections are necessary to place regulations regarding insulin-dependent diabetes into the category-specific adult day programs regulations. The amendments are necessary to ensure that the section is relevant to all adult day programs. Amendments are made for clarity and consistency. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82092.9 et seq.

Specific Purpose:

These sections are duplicated from Sections 80092.9 et seq. The term "facility" is replaced with "program" to conform to statutory change amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. Cross references are updated.

Factual Basis:

These sections are necessary to place regulations regarding wounds into the category-specific adult day programs. The amendments are necessary to ensure that the section is relevant to all adult day programs. Editorial amendments were made for clarity and consistency. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82092.10 et seq.

Specific Purpose:

These sections are duplicated from Sections 80092.10 et seq. The term "facility" is replaced with "program" to conform to statutory change amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. Cross references are updated.

Factual Basis:

These sections are necessary to place regulations regarding gastrostomy feeding, hydration, and care procedures into the category-specific adult day programs. The amendments are necessary to ensure that the section is relevant to all adult day programs. Editorial amendments are made for clarity and consistency. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82092.11 et seq.

Specific Purpose:

These sections are duplicated from Sections 80092.11 et seq. The term "facility" is replaced with "program" to conform to statutory change amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. Cross references are updated.

Factual Basis:

These sections are necessary to place regulations regarding tracheostomies into the category-specific adult day programs regulations. The amendments are necessary to ensure that the section is relevant to all adult day programs. Editorial amendments are made for clarity and consistency. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Sections 82093 et seq.

Specific Purpose:

These sections are duplicated from Sections 80093(a) - (b) and (d). Section 80093(c) is not duplicated. The term "facility" is replaced with "day program" to conform to statutory change amending Health and Safety Code Section 1502(a)(2) and deleting Section 1502.2, effective January 1, 2003. Cross references are updated.

Factual Basis:

These sections are necessary to place regulations regarding departmental review of health-related conditions into the category-specific adult day programs regulations. The amendments are necessary to ensure that the section is relevant to all adult day programs. Relocation orders referenced in Section 80093(c) do not apply to adult day programs. Editorial amendments were made for clarity and consistency. These sections previously applied to adult day care facilities and adult day support centers and do not add any new or additional requirements.

Chapter 3.5, Article 1, Sections 82500 et seq., and 82501 et seq., Articles 2, 3, 4, 5, and 6, Sections 82564 et seq., 82565 et seq., 82565.1 et seq., 82565.5 et seq., 82568.2 et seq., 82568.3 et seq., 82575 et seq., 82575.1 et seq., 82576 et seq., and 82579 et seq., Article 7, Sections 82587 et seq., 82587.2, 82587.3, 82587.4 et seq., 82588 et seq., and 82588.2.

Specific Purpose/Factual Basis:

This Chapter, Articles, and Sections are repealed because Health and Safety Code Section 1530.1(a) provides for the consolidation of CCR, Title 22, Division 6, Chapters 3 and 3.5, "Adult Day Care Facilities" and "Adult Day Support Centers," respectively, into one category, "Adult Day Programs;" therefore these Chapter, Articles, and Sections are unnecessary and/or duplicative.

Chapter 1 (General Licensing Requirements), Sections 80000(a); 80001 introductory paragraph, (a), (s) (Handbook), and (u); 80019(b); 80036(a) (Handbook); 80075(b)(1); 80077.2(b)(2)(G); 80087(d) through (j); and 80092.9(a)(3)

Specific Purpose/Factual Basis:

These sections are amended to repeal references to Chapters 3 and 3.5, "Adult Day Care Facilities" and "Adult Day Support Centers," respectively; this is necessary because these two chapters are being combined into a stand-alone chapter, "Adult Day Programs," in this regulations package and therefore the new chapter will not be ruled by Chapter 1. Section 80000(u)(2) is renumbered to 80000(u)(3) to correct a numbering error since there are two Sections numbered 80000(u)(2).

Section 80011(a)

Specific Purpose:

This section is amended to delete the references to both "Adult Day Care Facilities" and "Social Day Care Facilities" and replace them with the term "non-residential facilities."

Factual Basis:

These amendments are necessary because neither of those licensing categories continue to exist in Health and Safety Code Section 1502. The term "Adult Day Care Facilities" was replaced with "Adult Day Programs" that will be governed by its own stand-alone chapter of regulations. Pursuant to Health and Safety Code Section 1514, the requirement for a license number in advertisements applies only to residential care facilities.

Post-hearing Modification:

Section 80027 et seq.

Specific Purpose:

While reviewing changes to Section 82027, duplicated from Section 80027, errors were noticed in Section 80027. Specifically, Section 80027(a)(2)(A) was erroneously omitted from the CCR printed by Barclays. That subsection provides that if the applicant does not submit required information within 30 days, the application will be considered withdrawn unless the licensing agency has denied the application or the facility is under construction. The correct language has remained in the CDSS Manual. The purpose, therefore, of amending this section is to re-adopt Section 80027(a)(2)(A).

Additionally, Section 80027(c)(5) is renumbered to (b)(1), Handbook Section 80027(b)(1) is renumbered to (b)(2) and corrections are made to accurately provide the language of Health and Safety Code Section 1520.3. Section 80027(b)(2) is repealed. Section 80027(b)(3) et seq. is renumbered to 80027(c) et seq.; Section 80027(b)(4) is renumbered to Section 80027(d) and the words "the application" are added at the beginning of the section. Handbook Section 80027(d) et seq. is renumbered to regulation Section 80027(e) et seq. to state what must be completed by the licensing agency as part of the application review process. Section 80027(b)(6) is renumbered to 80027(f) and amended to correct a cross reference and repeal the word "renewal" because the Department no longer renews licenses.

Factual Basis:

Adding Section 80027(a)(2)(A) is necessary to make Barclays consistent with the Department regulations as this section was mistakenly omitted from Barclays for unknown reasons. Repealing language in Sections 80027(b)(2) and (f) is necessary because the Department no longer renews licenses. Renumbering of Handbook Section 80027(d) to Regulation Section 80024(e) is necessary for the licensing agencies to consistently review all the applications. These amendments, as well as the other minor amendments made to this section, are necessary for clarity and consistency.

Section 80068.5

Specific Purpose:

This section is amended to delete the reference to "ADCFs and ADSCs" and to add the word "facilities" following the term "children's residential."

Factual Basis:

These amendments are necessary because "ADCFs and ADSCs" are now termed "Adult Day Programs" that will be governed by its own stand-alone chapter of regulations. The addition of the word "facilities" is needed for clarity.

Section 80092.8 et seq.

Specific Purpose:

Reference in the title and in Section 80092.8(a) to "Insulin Dependent" is deleted to more clearly encompass the conditions for other types of diabetes. In Section 80092.8(a)(2), the term "if applicable" was added to "glucose testing" and the phrase "administering his/her own medication" was placed ahead of "performing his/her own glucose testing" instead of being placed afterwards. Handbook Section 80092.8(a)(5)(A)4. is deleted as it is a non-existent reference. Section 80092.8(a)(6)(A) is repealed to omit references only applicable to "ADCFs and ADSCs."

Factual Basis:

The amendments in Sections 80092.8(a) and (a)(2) are necessary for clarity and consistency. The repeal of Section 80092.8(a)(6)(A) is necessary because ADCFs and ADSCs are now termed "Adult Day Programs" that will be governed by its own stand-alone chapter of regulations.

b) Identification of Documents Upon Which Department Is Relying

SB 1982, Chapter 773, Statutes of 2002

Copy of Memo from Richard E. Watson dated May 9, 2003, regarding Automated Defibrillator Regulatory Information

CCR Title 22, Division 9, Chapter 1.8, Section 100031 et seq.

AB 2041, Chapter 718, Statutes of 2002

c) Local Mandate Statement

These regulations do not impose a mandate on local agencies or school districts. There are no state-mandated local costs in these regulations which require state reimbursement under Section 17500, et seq. of the Government Code.

d) Statement of Alternatives Considered

CDSS has determined that no reasonable alternative considered would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

e) Significant Adverse Economic Impact On Business

CDSS has determined that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

f) Testimony and Response

These regulations were considered as Item #3 at the public hearing held on August 17, 2005 in Sacramento, California. Written and oral testimony was received from the California Association for Adult Day Services (CAADS) during the 45-day comment period from July 1, 2005 to 5:00 p.m. August 17, 2005. The comments received and the Department's responses to those comments follow.

Note: Attached to the comments received by CAADS were: 1) A Copy of LIC 602 Form; 2) Copy of Memo from Richard E. Watson dated May 9, 2003, regarding Automated Defibrillator Regulatory Information; 3) CCR Title 22, Division 9, Chapter 1.8, Section 100031 et seq., and; 4) AB 2041 (Chapter 718, Statutes of 2002)

1. Comment:

Section 82064: Administrator qualifications

Amend:

(a) All adult day programs shall have an administrator who meets the requirements specified below:

(1) A baccalaureate degree in psychology, social work or related human services field and a minimum of one year experience in the management of a human services delivery system, or

(2) Three years of experience in a human services delivery system including at least one year in a management or supervisory position and two years of experience or training in one of the following:

(A) Care and supervision of clients in a licensed adult day program or an adult day health care facility.

(B) Care and supervision or one or more of the categories of persons to be served by the day program.

(b) Administrators of adult day program employed prior to July, 1989, shall remain qualified provided that they have no break in employment as an adult day program administrator exceeding three consecutive years.

Reasons:

Consistency:

The temporary administrator requirements propose a higher standard than the proposed administrator qualifications. This amendment conforms the administrator requirements to the "substitute" administrator requirements listed in

section 82064 (h). The standards for an administrator should be consistent regardless of who is acting as the administrator. The standards for the "regular" administrator should be equal to or higher than to those of a "substitute" administrator.

Response:

The Department appreciates this comment and agrees with the proposed changes. The regulation is being amended to conform the administrator requirements to the substitute administrator requirements. The Department does not want to impose more stringent requirements for "substitute" administrators than for "regular" administrators.

2. Comment:

Section 82064 (h): Administrator qualifications

Amend:

When the administrator is absent from the center for more than 30 consecutive days, the licensee shall designate a substitute who meets the qualifications of an administrator as specified in Sections 82064 (a), and (b) (~~e~~).

Reasons:

Necessity: A "substitute" administrator would not be able to comply with the continuing education requirement referenced in 82064 (h) (c) so this subsection should be removed as a requirement.

Response:

The Department appreciates this comment and agrees with the proposed change. The Department does not believe the requirement for an administrator to receive and document a minimum of 30 clock hours of continuing education every 24 months of employment is necessary for a substitute administrator. The regulation is being amended accordingly.

3. Comment:

Strike:

82064 (h) (1) and (2) as follows:

~~(1) A baccalaureate degree in psychology, social work or a related human services field and a minimum of one year experience in the management of a human services delivery system, or~~

~~(2) Three years of experience in a human services delivery system including at least one year in a management or supervisory position and two years of experience or training in one of the following:~~

~~(A) Care and supervision of clients in a licensed adult day program or an adult day health care facility.~~

~~(B) Care and supervision of one or more of the categories of persons to be served by the day program.~~

Reasons:

Duplication and Necessity: If the recommendation to conform the administrator qualifications with the "substitute" administrator is accepted, Section 82064 (h) (1) and (2) are not necessary because the administrator qualifications, which a "temporary" administrator must adhere to, already include these requirements. There is no reason to refer to a specific section in the regulations that must be adhered to and then restate the text from the section.

Response:

The Department agrees with the comment and proposed changes. The regulation is being amended so that there is no duplicative language restating requirements in referenced sections that administrators and substitute administrators must adhere to.

4. Comment:

Section 82075(b)(6)(A-B): Health Related Services, Medication

Amend:

Section 82075(b)(6): If the client is unable to determine his/her own need for a prescription or nonprescription PRN medication, and is unable to communicate his/her symptoms clearly, program staff designated by the licensee, shall be permitted to assist the client with self-administration, provided all of the following requirements are met:

(A) Staff shall contact the client's physician or family / caregiver prior to each dose, describe the client's symptoms, and receive direction to assist the client in self-administration of that dose of medication.

(B) the date and time of each contact with the physician or family / caregiver's and the physician's or family / caregiver's directions, shall be documented and maintained in the client's record.

Reasons:

Necessity: Family members and caregivers provide PRN medications at home, as needed. Therefore, family members / caregivers should be permitted to provide direction and authorization to assist the client in self-administration of PRN medication. ADPs are not 24-hour facilities which means the participant's family or caregiver have the primary responsibility for health care, including medication management and administration.

Response:

The Department appreciates this comment; however, the Department does not agree with the proposed changes. The Department agrees that someone besides the physician should be contacted. The regulation is being amended to include physician assistants and nurse practitioners as contacts. The facility is free to contact the family

member who in turn may take the client home and assist in whatever manner the family usually assists.

5. Comment:

Section 82075(b)(7)(a-d) Health Related Services, Medication

Strike:

82075(b)

~~(7) For every prescription and nonprescription PRN medication for which the licensee provides assistance, there shall be a signed, dated written order from a physician on a prescription blank, maintained in the client's file, and a label on the medication. Both the physician's order and the label shall contain at least all of the following information:~~

~~(a) The specific symptoms which indicate the need for the use of the medication.~~

~~(b) The exact dosage.~~

~~(c) The minimum number of hours between doses.~~

~~(d) The maximum number of doses allowed in each 24-hour period.~~

Reasons:

Clarity:

Two separate types of medications are addressed in the regulation. Prescription and over-the-counter medications should be regulated separately for clarity because they are regulated differently.

Prescriptions:

Duplication: The client's health assessment, Licensing Form 602, completed and returned by the physician, contains a listing of prescribed medications. Completing a prescription blank with the same information forces the physician to write the prescription three times. The physician writes the initial prescription, lists it on LIC602, and then writes a blank prescription for filing. This means that the prescription information is unnecessarily duplicated in the client file.

Necessity: A physician signs a prescription order prior to a person purchasing prescriptions at a pharmacy. The client's health assessment, Licensing Form 602, contains a listing of prescribed medication. Signing additional prescription forms in addition to completing the licensing form which includes the same information is not necessary.

Consistency: Current state law requires the patient to request of the pharmacist the purpose of the medication to be labeled on the medication. If it is not requested by the patient at the time the prescription is filled, privacy laws prohibit the pharmacy from printing additional information on the label.

Additionally, physicians are moving to electronic prescriptions which will impede the patient's ability to obtain a hard copy of a prescription from a physician. The health

assessment, Form LIC602, acts as the physician's approval or order for the prescription medication within the ADP facility.

Over-the-Counter Medications

Necessity: Current laws and regulations do not require physician orders for non-prescription medication.

Duplication: The participant's health assessment, submitted by the physician to the ADP, already lists safe and approved over-the-counter medications. Over-the-counter medications are already labeled and come with frequency, dosage and warnings, which include side effects and drug interactions. Requiring a pharmacist to add the same information on a label is duplicative. Pharmacists are reluctant to label non-prescription medication and often charge a fee for this extra labor.

Response:

The Department appreciates this comment and agrees with the proposed changes. Section 82075(b)(7) is being deleted because it is duplicative of other regulatory sections and not necessarily related to the form, LIC 602 - Physician's Report For Community Care Facilities.

6. Comment:

Section 82075.2 (a)(3) (A) Automated External Defibrillators (AEDS)

Strike:

Section 82075.2 (a)(3)

~~(A) A copy of the physician's prescription for the AED.~~

Reasons:

Authority: The authority for layperson use of AEDs was changed in AB 2041 (Chapter 718 Statutes of 2002). A physician is no longer required to provide a prescription for an AED to be maintained in a facility.

Clarity and Necessity: The regulation confuses a prescription written for an individual with the ability of a facility to purchase and maintain an AED on the premises. A facility may choose to provide an AED within its facility without a prescription. Therefore, requiring a copy of a prescription is confusing and not necessary.

Response:

The Department appreciates this comment and agrees with the proposed changes. The regulation is being amended to delete Section 82075.2(a)(3)(A) for clarity and consistency with current law.

7. Comment:

Section 82075.2 (a) (3) (E) Automated External Defibrillators (AEDS)

Strike:

Section 82075.2 (a) (3)

~~(E) A log of quarterly proficiency demonstrations for each holder of an AED operator's certificate who is authorized by the licensee to operate the AED. The log shall contain the dates of the demonstrations and the manner of demonstration.~~

Reasons:

Consistency: The proposed regulation is inconsistent with the American Red Cross (ARC) regulations for usage. The American Red Cross and the American Heart Associations are the experts in the Health and Safety Code as identified by the Legislature in recently approved law contained in Chapter 111, (AB 254).

Duplication: CPR training includes training for AED usage. The American Red Cross CPR certification is good for two years and is recognized as the approved standard for Adult Day Program staff training. Since the Red Cross course is accepted for CPR it should also be accepted for AED training. Certification grants proficiency. It should be accepted by CCL as a demonstration of proficiency and knowledge, otherwise, the entire premise of CPR certification is defeated.

The American Red Cross and the American Heart Associations are recognized for their expertise in public safety and for providing training and certification for CPR, First Aid, Baby-Sitting, and Life-Guarding. Their expertise also should be recognized for AED training.

Authority: ADP employees are not required to demonstrate CPR on a quarterly basis; therefore requiring additional quarterly training/proficiency for a portion of an approved course is inconsistent and duplicative of the training already received. Each program should be able to customize its internal proficiency requirements according to the population and staffing pattern that it employs.

Response:

The Department appreciates this comment and agrees with the proposed changes. Language in Section 82075.2(a)(3) requiring the licensee to maintain a log of quarterly proficiency demonstrations of staff certified and authorized to operate an AED is being deleted.

8. Comment:

Section 82075.2 (a)(3) (E) Automated External Defibrillators (AEDS)

Add the following language:

Section 82075.2 (a) (3)

(E) AED use is limited to staff who are certified by either the American Red Cross or the American Heart Association.

Reasons: These AED regulations, approved in 2002, were consistent with the American Red Cross guidelines at the time. However, law and standards have since changed. Rather than updating the regulations every time new regulations are enacted by the American Red Cross or the American Heart Association, regulations should stipulate that these organizations establish the standard. This would ensure consistency throughout the various regulations and keep regulations current with changing standards.

Response:

The Department appreciates this comment. The Department agrees that AED use should be limited to staff who are certified in the use of an AED. The regulation is being amended to limit AED use to staff certified by the American Red Cross, American Heart Association or other organizations that meet the standards established by the American Red Cross or American Heart Association.

The following comments from CAADS were received orally at the public hearing.

9. Comment:

First we would like to thank DSS for getting this reg package out for comments. It has been in the works for the last eight years so we have been anxiously awaiting it. We only have three areas that we are concerned with that we would like to hear back from the Department regarding... and I think it just... been through the revisions that something fell through the cracks. For example, Section 82064 which covers the administrator qualifications, the way that it is written now, a temporary administrator who would be covering in the absence of an administrator who is gone for more than 30 days has a higher level of educational requirements than the normal administrator does, and so we would suggest that those be made consistent throughout... all of the administrators be required to have a bachelors degree. Someone else said, I think that was on one of the revisions a long time ago. It was in there and somehow it got thrown out and it cleans it up easier and for clarity and so we don't have any questions later on. Let me simplify that ok.

Response:

The Department thanks the testifier for the comment. Please see responses to comments #1, 2, and 3.

10. Comment:

The other area that we are concerned with is medication, specifically Section 82075, Subsection B, 6A through B, and this is for prescription and nonprescription care in

medication. We would like the family or caregiver to be an option for the facility contact because this isn't a 24 hour facility, it is a day care, and the family actually is going to have more knowledge available to them what has been given to the participant and so if we called the doctor and said "they have Tylenol," the Doctor (1) may not take the call, probably won't get back to us, and he won't know what they took in the morning, the family or the caregiver. So we think this Section should be amended to allow the family or caregiver to provide that. In the same subsection #7 again related to medication, this refers to prescription and nonprescription medication. It really regulates when the facility has it, and what's required for the prescription. But first of all, we would like this to be separated for clarity, because two types of medications are addressed: prescription, and over the counter in the same regulation and so that causes some concern. Once that is done, and we address them separately, this regulation requires that the prescription blank for medication be signed by the physician and in the client's file when the facility is already required to have physicians complete licensing forms 602, which we have added, that summarizes all the approved, and all the medication that has been prescribed on here, and then you have the prescription itself, then its kind of duplication to have an additional prescription blank be filed. Then it would be two separate items that list the same medication in the participant's file as well as the medication on-site. That seems a little unnecessary. 82075B also requires for a physician to write a prescription or a blank authorizing over the counter medication, and that really doesn't seem to be necessary again because the approved over the counter medications are also required on that same form that's required by licensing to be in every participants file.

Finally, this law requests or this regulation requests that the reason or purpose the medication be labeled on the medication. We can't regulate that. Current law allows for the patient to make that determination on the prescription as filled, and because of privacy laws the pharmacist can't include it on the label of medication unless the person receiving the prescription requests it so they are not allowed to print it. That is all for medication.

One other comment that I had about prescriptions is we also need to think about the future of electronic prescriptions within the next couple of years. Our physicians are going to be doing electronic prescriptions so you are not going to walk out of a doctor's office with a prescription in hand. This goes back to the prescription blanket. The physicians, when they go to electronic record and they key in the prescription and it goes directly to the pharmacist, they are not going to have prescription pads to write the blank on.

Response:

The Department thanks the testifier for the comment. Please see response to comments #4 and 5.

11. Comment:

The last one is from the AED. There was a couple of different things around the AED that what we would really like to see is that the Department kind of allow the American Heart Association and the American Lung Association regulations to be adhered to because the way that these regs are proposed, they are concurrent with three or four years American Red Cross AED Regulations. We should now update, so now these are out-of-date with the American Red Cross and the facilities already requiring their staff to become CPR certified, which now includes AED training. So when these regulations request that staff be tested every 90 days, and a lot of their AED proficiency, we want CPR also required. The certification includes AED and is good for two years. So there is just some inconsistencies. If the regulation says that we are in compliance with the American Heart Association requirement regulations, as those regulations change our regs would reflect that, so that they're not outdated as they already are. Because as we know AEDs are everywhere and those regulations are going to be changing down the road, and that way we will be in compliance with them and our regs wouldn't be outdated. We know its how it's going to be for another 25 years before we re-do these regulations again, and so let's not start outdated and make them so they will always be as current as they possibly can.

Response:

The Department thanks the testifier for the comment. Please see response to comments #6, 7 and 8.

12. Comment:

As our attachment to our written testimony, that we already summarized for you in your packet, we provided you a copy of the licensing form that we referenced regarding the medication. And if you look at the back, page 2 of that form, that's where all the prescriptions are listed over the counter, and prescribed medication that are being taken by the participant. We included a memo from Richard Watson in 2003 that was related in relation to the AED regulatory information the laws that have changed, we also included a California Code of Regulations Title 22 AED regulations for a non-licensed and non-certified personnel from 2003, and we also included an enrolled bill from February 2002. It was one of the first times that we were able to back-track where it actually says we should just adhere to American Red Cross and American Lung requirements. So you can see the legislature is also allowing them to be the experts in the AED area rather than try to make changes to this industry, or that ...comes from throughout, and then not included in the packet, but we can leave you with a copy of American Heart Association cards that we just kind of shed CPR and AED that supports the training and they are good for two years. We will give that to you as well. We just have the one copy. That was for the outgoing training.

Response:

The Department thanks the testifier for the comment. Please see response to comments #5, 6, 7 and 8.

13. Comment:

We would perhaps like to know how, what the timelines are for getting the agency up with the regs, what are going to be, and what kind of training is going to be out there, and that we would certainly want to be a part of that and offer our assistance to help with that training. Three times a year we have meetings that the day care providers, and clients throughout the state, are invited to attend. We would be more than willing to open those classes up for the training for the new regs. To go over the differences between the new and old and what they need to adhere to, which changed.

Response:

The Department thanks the testifier for the comment. The Department will continue to participate in CAADS meetings and collaborate on training.

g) 15-Day Renotice Statement

Pursuant to Government Code Section 11346.8, a 15-day renotice and complete text of modifications made to the regulations were made available to the public following the public hearing. No written testimony on the modifications renoticed for public comment from April 12 to April 27, 2006 was received.